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ABSTRACT

This document contains the first two volumes of "Today's Delinquent," an annual publication of the National Center for Juvenile Justice. The primary focus of both volumes is serious crime by juveniles. Articles in volume one include: (1) "Violent Juvenile Crime: The Problem in Perspective" (Howard N. Snyder); (2) "Canon to the Left, Canon to the Right: Can the Juvenile Court Survive?" (John L. Hutzler); (3) "Juvenile Delinquency Research: Truths, Myths and Hopes" (Richard J. Gable); and (4) "Issues for Resolution in the Eighties: Family Courts and Retribution" (Hunter Hurst). Much of the content for volume two was drawn from a research symposium on the serious juvenile offender. Volume two includes "What To Do about Serious Delinquency: Do Good? Do Bad? Do Nothing?" (Richard J. Gable and Patricia C. McFall), a review of significant research studies on serious juvenile crime. Also included is the article "City Delinquents and Their Country Cousins: A Description of Juvenile Delinquency in Metropolitan and Nonmetropolitan Areas" (Howard N. Snyder and Ellen H. Nimick) which identifies the volume of serious crime that can be attributed to youth from official records and contrasts between urban and rural communities. (NB)

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TODAY'S DELINQUENT

National Center for Juvenile Justice
Pittsburgh, Pennsylvania

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Foreword

With pleasure we join in introducing this first edition of an annual publication—*Today's Delinquent.*

In 1937, the late Judge Gustav Schramm of Pittsburgh, Pennsylvania, and other juvenile court judges, established the National Council of Juvenile and Family Court Judges. Judge Schramm was a pioneer in the field of juvenile justice and an active Mason, as well.

Since those early days the National Council of Juvenile and Family Court Judges has grown in size and stature. It is the oldest judicial training organization in the country; its judge members represent courts having jurisdiction over 90% of the population of the United States. The Council's headquarters are at the University of Nevada at Reno; in 1973 it established a research division in Pittsburgh, the National Center for Juvenile Justice.

During this same period, another group, the Grand Lodge of Free and Accepted Masons of Pennsylvania, was likewise engaged in activities aimed at serving young people. During the 1950's these efforts included sponsoring training institutes for juvenile court judges from all over the United States under the leadership of Judge Schramm. Unfortunately the Masonic Institutes, as they were called, ended with the death of Judge Schramm in 1959.

Once again the Grand Lodge has decided to become involved in the juvenile justice field. Recognizing the value of the research conducted at the National Center for Juvenile Justice, the membership of the Grand Lodge has agreed to underwrite *Today's Delinquent.* This annual publication will serve to disseminate important research findings throughout the United States.

We hope this effort will assist professionals, students and lay persons and serve as a challenge to those who seek justice for juveniles. We want it to become a reliable resource for all who are interested in learning of, and attempting to resolve, the problems faced by our nation's young people.

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Preface

A decade ago, when the charter for the National Center for Juvenile Justice was drafted, the founders of the Center envisioned that it would "serve as a focus for a social intelligence system . . . , study and test methods of treating children in need of help . . . , disseminate to judges, court personnel, and other disciplines by any feasible means the knowledge and information thus acquired."

This inaugural issue of TODAY'S DELINQUENT is another important milestone in achievement of these goals.

Our modest hope for this publication is that it will be readable and read by persons with an interest in preventing and controlling juvenile delinquency. Standard features of each volume will be: an article describing the ebb and flow of delinquency for the most recent year for which data are available; a review of significant changes in law—both statutory and case law—with occasional features on changes in standards, since such standards often foreshadow legal change; an analysis of selected major research endeavors, with emphasis on research that has import for program development; and an analysis of emerging issues in the field of juvenile delinquency.

The primary focus of this first volume is serious crime by juveniles. A substantial majority of the people in this country (87 percent) believes there has been a steady and alarming increase in the rate of such crime. The issue of violent crime received national attention this past year when the President directed the appointment of a Task Force on Violent Crime. As can be seen from the first article in this book, "Violent Juvenile Crime: The Problem in Perspective," by Howard Snyder, the alarm over recent and rapid growth may be unwarranted, though we certainly cannot take pride in the numbers.

"Canon to the Left, Canon to the Right: Can the

Juvenile Court Survive?," by John Hutzler, indicates that legislatures often react to public sentiment rather than to statistics. Many are enacting laws mandating criminal court processing for juvenile offenders—laws seriously questioning the traditional assumption that children are different from adults, laws that would start us on the path back to the fifteen century when children were miniature adults, and when incomplete cognitive, moral, and social development was insufficient reason for differential treatment under the criminal law.

Richard Gable's article, "Juvenile Delinquency Research: Truths, Myths, and Hopes," discusses, among other topics, research which may aid the practitioner in what has been an almost futile attempt to accurately select those youngsters bound for long-term serious involvement in crime. Unfortunately, the limited research in this area does not hold out much hope for dramatic advances in the near term.

In future volumes, we intend to present a brief chapter focusing on how other countries and cultures deal with problems of youth which are of primary significance in the United States, and, assuming a long and successful life for this publication, we will eventually develop materials that portray trends in the prevention and control of delinquency.

Unlike Descartes, we do not have all of knowledge. However, we possess the desire to make this a useful and used publication. Accordingly, we earnestly solicit the advice of you, the reader, in shaping its future format and content. In addition, we hope that you will submit pre-publication materials to us so that the work reviewed can be current and timely. Please feel free to call or write us and share your perceptions.

Hunter Hurst

Violent Juvenile Crime:
The Problem in Perspective

Howard N. Snyder

NEWS ITEM: Two teenagers started walking at dusk, casually spreading the message that the streets were no longer safe. They stopped a man and demanded money. He had no cash, only his baby in a stroller. They let him pass and kept walking. They hailed a couple at a nearby intersection. The couple quickly handed over $8 and two wristwatches, and gratefully fled. Next, the boys intercepted two elderly women and pulled out a pistol. When one of the women tried to push the gun out of her face, ten bullets blazed out, killing both. The two boys kept walking. They came upon a trio of friends out for an evening stroll. The boys took a watch and a few dollars and, without so much as a word, killed one of the three, a Frenchman visiting the city for the first time. At last they reached a drive-in restaurant where they found a 76-year-old man walking on the sidewalk. They argued with him for less than a minute and then shot him down. Their evening over, they climbed into an old sedan and then, much as they started, calmly went off into the night (Newsweek, March 23, 1981, page 46).

With stories such as this dotting the media, it is not surprising that we perceive violent crime, including violent crime committed by juveniles, to be one of the most serious problems facing our society today. Stories like this one enable us to share the sense of pain, anger, and helplessness experienced by victims of violent crime. The fear of becoming victims ourselves causes us to take precautions in our daily lives. We are afraid to walk in certain neighborhoods, even during the day; we keep loaded guns in our homes for protection; we

warn our children about the danger of strangers and worry when they are late coming home from school.

As a result the public is calling for changes in both the adult and juvenile justice systems. Conscientious citizens search for information from which they can develop proposals for change. But in the case of juvenile crime, developing a valid picture of its nature and extent is not simple. Information is scattered, gathered by many sources for different purposes with inherent incompatibilities. Unless careful attention is paid to the characteristics of each information source, a confusing picture results.

The goal of this article is to provide a current and comprehensive assessment of violent juvenile crime in the United States. This work will examine first the volume and nature of violent crime in general and will then focus on the proportion attributable to young people, the trends in violent juvenile crime over the 1970's, and the characteristics of violent juvenile crimes and of violent juvenile offenders.

A Definition of Violent Juvenile Crime

Before we can examine the problem of violent juvenile crime, we must agree upon a definition of the term so that information from various sources may be appropriately combined. While some may argue that other offenses are also violent, the term "violent crime" will be used to refer to the crimes labeled violent by the Federal Bureau of Investigation (FBI) in its Uniform Crime Report program: murder/voluntary manslaughter, forcible rape, robbery, and aggravated assault.[1] However, one data source that will be used frequently—the National Crime Survey—does not collect data on murder and voluntary manslaughter due to their relatively low

Murder and voluntary manslaughter, as defined by the FBI's Uniform Crime Reporting Program, is the willful killing of one human being by another. Forcible rape is defined as carnal knowledge through the use of force or threat of force. Robbery is the taking or attempted taking of anything of value from the care, custody, or control of a person or persons by force or threat of force and/or by putting the victim in fear. Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.

occurrence. Therefore, whenever data from the National Crime Survey are discussed, the term "violent crime" will include only forcible rape, robbery, and aggravated assault.

The definition of "juvenile" varies from state to state, with each state legislature selecting an age below which an individual is considered a "juvenile" in the eyes of the judicial system and identifying numerous exceptions which result in juveniles being prosecuted as adults. It is impossible to develop a definition of "juvenile" which takes into account all these variations. Therefore, for the purposes of this article, "juvenile" will be defined simply as an individual below the age of 18, a definition which corresponds to the data collection schemes of both the National Crime Survey and the FBI's Uniform Crime Reports.

The Extent of the Problem

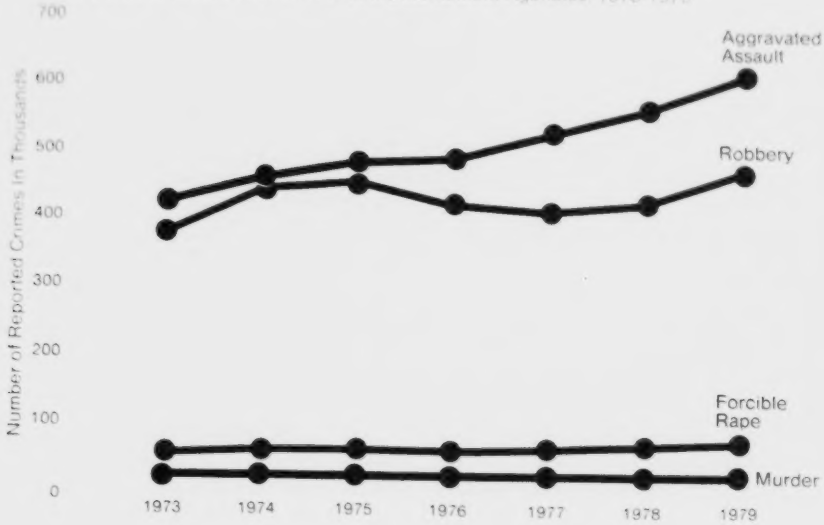
To place violent juvenile crime in perspective, we must understand the volume and growth of violent crime in general. It is impossible to determine exactly how many violent crimes are committed in the United States annually, since many are never reported to official sources. However, each year the FBI produces estimates of the number of crimes reported to police departments across the country. The estimated number of reported crimes in each violent offense category increased from 1973 to 1979 (see Figure 1): a 9.3 percent increase in murder/voluntary manslaughters; a 47.8 percent increase in forcible rapes; a 21.5 percent increase in robberies; and a 46.0 percent increase in aggravated assaults (see Figure 2). These trends combine to produce an overall increase of 35 percent in reported violent crime in this seven-year period. These statistics are often cited to support the proposition that violent crime is reaching epidemic proportions in this country.

But conclusions based on these statistics can be misleading. The authors of the FBI reports emphasize that law enforcement agencies cannot know the total volume of crime committed, because many criminal

actions are not reported to police. In fact, the National Crime Survey estimates that more than one-half of all violent crimes are not reported to police. Those who would use changes in the volume of reported crime as a measure of growth in crime must, therefore, be aware of the possibility that any change may be the result of

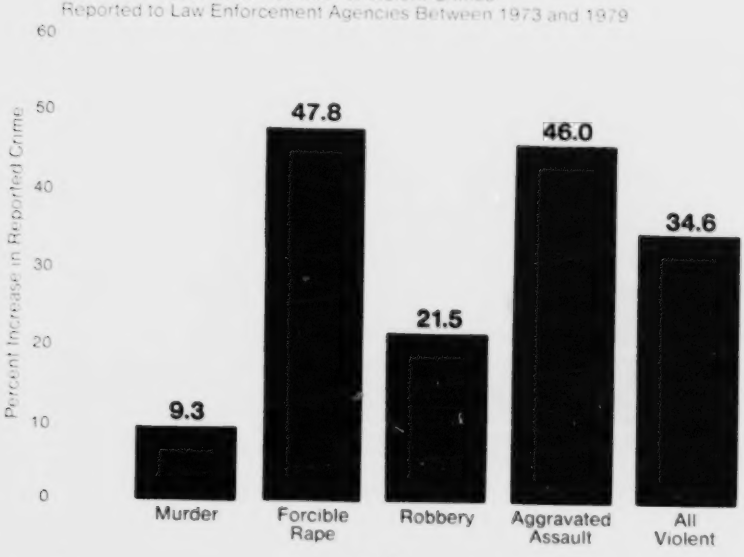
Number of Crimes Reported to Law Enforcement Agencies, 1973-1979

Figure 1



Percent Increase in the Number of Violent Crimes Reported to Law Enforcement Agencies Between 1973 and 1979

Figure 2



a change in victims' willingness to inform law enforcement agencies of criminal events.

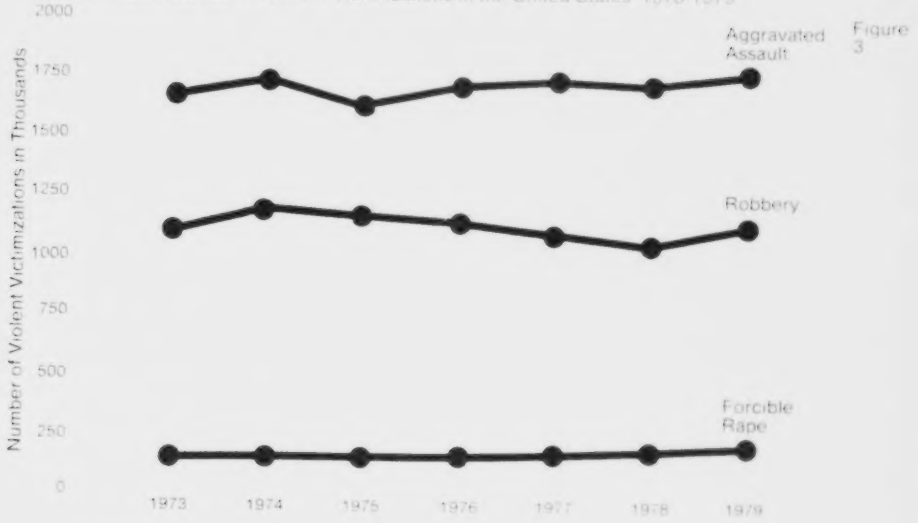
Another estimate of the actual growth of violent crime is contained in the findings of the National Crime Survey, conducted each year since 1973 by the U.S. Bureau of Census, under contract from the U.S. Department of Justice. The survey is designed to determine the number and characteristics of certain criminal offenses that are of major concern to the general public and law enforcement authorities. The survey's findings are based on the responses of a large, scientifically selected, nationwide sample of households which contains approximately 135,000 individuals. Each person in the household is asked to describe in detail the criminal victimizations he has experienced since the last interview. The respondents are asked to identify the type of victimization (e.g., rape, robbery, aggravated assault), whether a weapon was present, the extent of their physical injuries, and the economic loss incurred. When the victim saw the offender, the victim is asked to identify the offender's sex and race and to estimate the offender's age. While there may be some reluctance to report crimes even in this setting, the effect is expected to be small when compared to the effect on the FBI's data. Therefore, the results of the National Crime Survey are probably a better indicator of the growth of violent crime in the United States.

The National Crime Survey indicates that there was only a small increase in the number of violent crimes between 1973 and 1979, with no consistent pattern of growth over the time period (see Figure 3). According to the National Crime Survey the number of forcible rapes increased by 23.1 percent between 1973 and 1979, robberies increased by less than one percent (0.7 percent), and aggravated assaults increased by 6.9 percent (see Figure 4). Overall, based on this self-report information, the number of violent victimizations (excluding murder and voluntary manslaughter) increased by 5.4 percent from 1973 through 1979, less than one-sixth of the increase indicated by the growth in violent crime

reported to law enforcement agencies.[2]

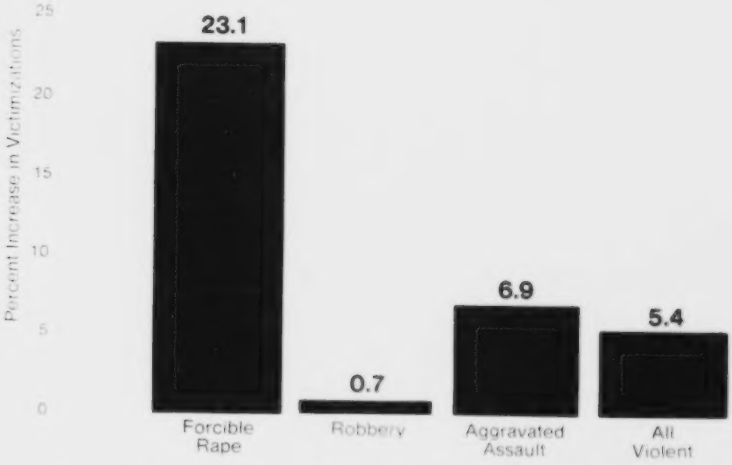
Estimated Number of Violent Victimizations in the United States, 1973-1979

Figure 3



Percent Increase in the Number of Violent Victimizations in the United States, 1973-1979

Figure 4

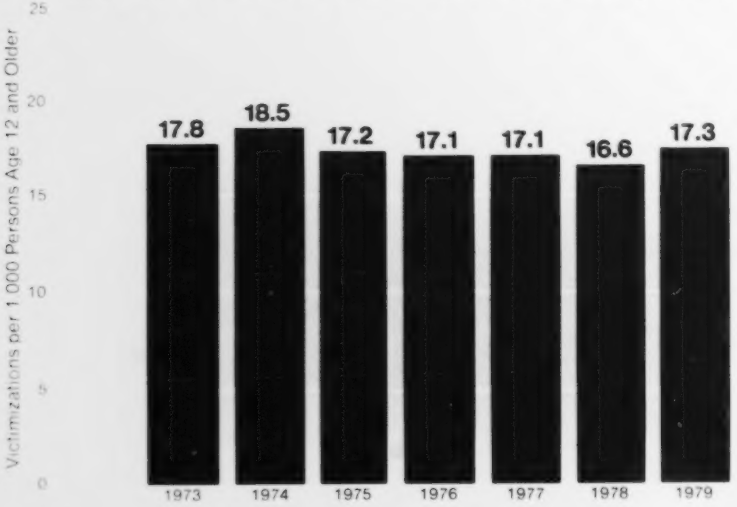


[2] *Interestingly, further analysis shows that a large part of this increase can be attributed to victimizations in which the offender was known to the victim. The victimization survey indicates that about two-thirds of all violent crimes are committed by a stranger, an individual who the victim did not recognize or knew only by sight. But between 1973 and 1979 the increase in the number of violent crimes committed by strangers was only one-half that of the violent crimes committed by nonstrangers.*

However, even the 5.4 percent increase is somewhat misleading. During this same period, the population of the United States, 12 years of age and over, increased by 8 percent. With population growth, one expects to see a proportional growth in crime. To control for the effect of population growth on the volume of violent crime, the rate of violent victimizations, the number of violent victimizations per 1,000 individuals in the population aged 12 and above, was calculated. According to these calculations, the rate of violent victimizations fluctuated from 1973 through 1979, reaching its highest level in 1974 and its lowest in 1978 (see Figure 5). Over this time period, the data actually show an overall decrease of 2.8 percent in the rate of violent crime. From these data it would be difficult to support the proposition that violent crime is either increasing or decreasing. In fact, the only conclusion that can be drawn is that the rate of violent crime has shown no consistent growth or decline during the time period 1973 through 1979.

Rate of Violent Victimizations as Estimated by the National Crime Survey, 1973-1979

Figure 5



Violent Crime by Juveniles

With this background, we now focus on the violent crime of juveniles, more specifically, the proportion of violent crime committed by juveniles, and whether their

contribution has increased over the years. To determine the level of juvenile involvement in violent crime we turn to the National Crime Survey and the FBI's arrest statistics, realizing that each will present a somewhat biased assessment.

The National Crime Survey reports the proportion of violent crimes committed by juveniles and by adults only in those situations where a single offender was involved.[3] In 1979 the survey reported that 85 percent of forcible rapes, 48 percent of robberies, and 70 percent of aggravated assaults were committed by lone offenders. Therefore the majority of violent crimes were committed by a single offender. However, by studying only violent crimes perpetrated by lone offenders, we may be underestimating the proportion of violent crimes in which juveniles were involved, since juveniles are more likely than adults to commit crimes in groups.

However, for the same reason that the information from the National Crime Survey is likely to underestimate the contribution of juveniles to violent crime, the FBI arrest statistics are likely to be overestimates. In addition to the information on reported crime, each year the FBI collects from law enforcement agencies counts of the number of juveniles and adults arrested within each offense category. These statistics are often quoted to establish the contribution of juveniles and adults to violent crime. However, a robbery committed by an adult can result in only one arrest, while a similar robbery committed by three juveniles may result in as many as three arrests. Both crimes may produce the same amount of social harm and economic loss, but the arrest statistics may be misinterpreted as indicating that juveniles commit three times as many robberies

[3] Respondents to the National Crime Victimization Survey who have been the victims of a criminal offense are asked to estimate the age of the offender. The fact that the reported age of the offender is based on the victims' perceptions raises questions as to the validity of these data. It is a difficult task to judge accurately whether or not an individual is 17 (a juvenile) or 18 years of age (an adult). But in the vast majority of cases the perceptual task is far easier; for example, most victims would identify a 13 year old as a juvenile and a 23 year old as an adult. And even in the more difficult situations, without any expectation of perceptual bias, the random error that occurs should balance out.

as adults, thus overestimating the contribution of juveniles to the violent crime problem.

Together the findings of the National Crime Survey and the FBI arrest statistics should provide a better assessment of the juvenile component of violent crime than either do separately. For the years in which comparable data were reported, results of the National Crime Survey indicate juveniles were perceived to be responsible for approximately 7 percent of all lone-offender forcible rapes, with the percentage gradually increasing over the six-year period (see Figure 6). Juveniles were also perceived to be responsible for approximately 21 percent of lone-offender robberies, with the percentage fluctuating yearly, though generally decreasing. Similarly, juveniles were perceived to be responsible for about 16 percent of aggravated assaults, with the yearly percentage fluctuating though showing, once again, a general decline. In total, the National Crime Survey indicates that between 1974 and 1979 about 18 percent of lone-offender violent crimes were committed by juveniles, with the proportion generally decreasing.

FBI arrest statistics indicate that throughout the 1970's juveniles accounted for about 10 percent of all

Percent of Lone-Offender Victimizations Attributed to Juveniles: 1974-1979

Figure 6

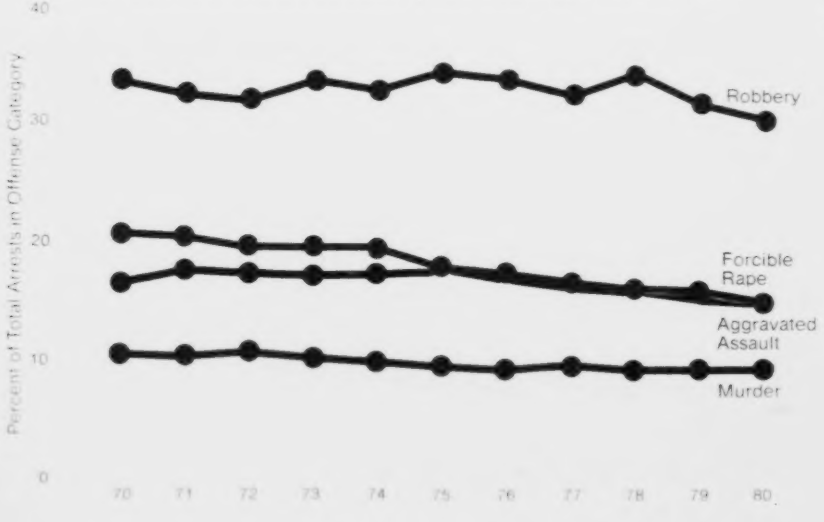
arrests for murder/voluntary manslaughter, 18 percent of all arrests for forcible rape, 32 percent of all arrests for robbery, and 17 percent of all arrests for aggravated assault, or overall, about 22 percent of all arrests for violent crimes (see Figure 7). Consistent with the findings of the National Crime Survey, there is no indication that the proportion of juvenile arrests in any of the violent crime offense categories has increased over the 1970's.

Together the results of the National Crime Survey and the FBI arrest statistics suggest about 10 percent of all murder/voluntary manslaughters, 10 percent of all forcible rapes, between 25 and 30 percent of all robberies, about 16 percent of all aggravated assaults, or approximately one in every five violent crimes committed during the 1970's was committed by a juvenile. It is important to note that both sources indicate that there has been a definite decrease in the contribution of juveniles to the high volume crimes of robbery and aggravated assault.

Even though the proportion of violent crime attributed to juveniles decreased over the 1970's, the number of juveniles arrested for violent crime increased, but at a rate less than that of adults (see Figure 8). The number

Juvenile Percent of Total Arrests in Each Violent Offense Category, 1970-1980

Figure 7

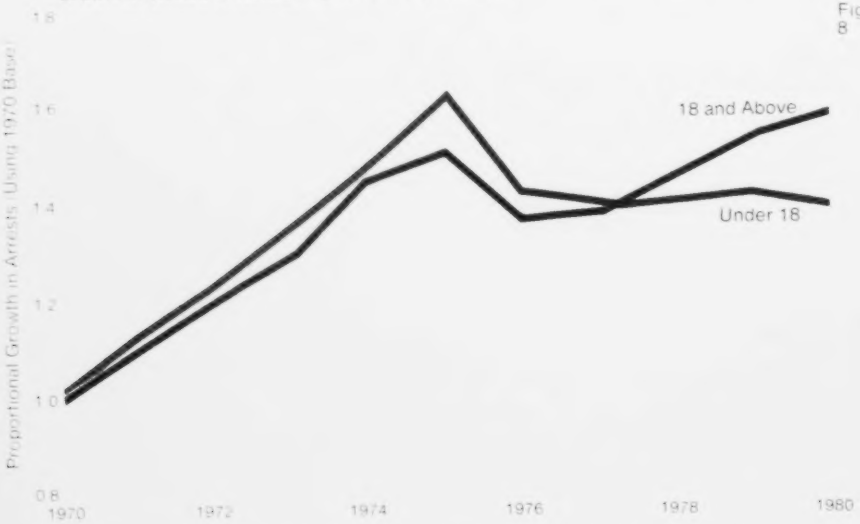


of juveniles arrested for violent crimes increased from 1970 through 1975, but decreased in 1976 and remained relatively stable between 1976 and 1980. Adult arrests also reached a high point in 1975 and declined in 1976, but rose each year thereafter to climb to their highest point of the decade in 1980. By the end of the decade, adult arrests for violent crimes had increased by 57 percent, while juvenile arrests increased only 39 percent.

The pattern of juvenile arrests for violent crimes can be partially explained by the baby boom of the late 1950's. As a result the juvenile population in this country reached its highest level in 1974 and 1975 and this swell of population contributed to the peak in juvenile arrests during these years. But have juveniles become more violent over the 1970's; that is, controlling for the variations in juvenile population, are juveniles committing violent acts with greater frequency? One method of controlling for these variations in the size of the juvenile population is to study the rates of juvenile

Growth in Violent Arrests Using 1970 as a Base Year

Figure 8



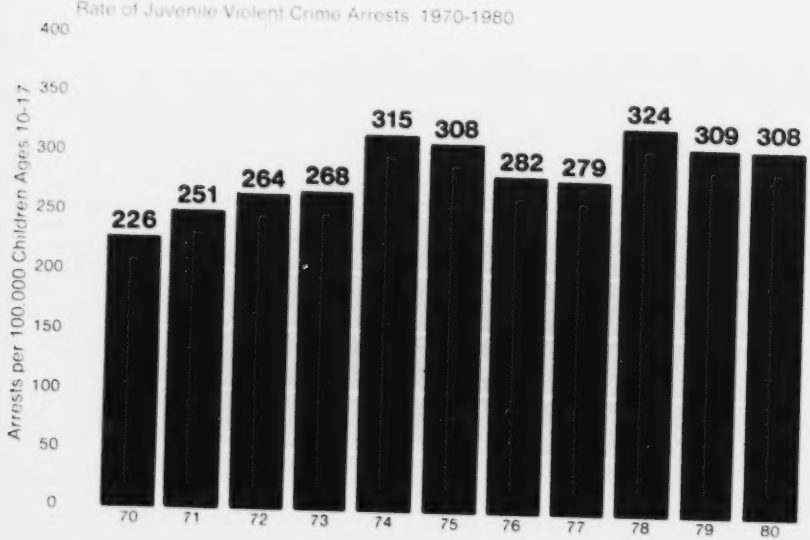
In 1970, 77 percent of all those arrested for violent crime were 18 years of age or older, while the remaining 23 percent were juveniles. Figure 8 should not be interpreted as indicating that the number of juvenile and adult arrests were equal in 1970. The numbers on this graph indicate the growth in the number of juvenile and adult arrests compared to the number of arrests in each group in 1970.

violent crime arrests throughout the 1970's, that is the number of arrests per 100,000 individuals in the population between the ages of 10 and 17. Viewing the arrests statistics in this manner (see Figure 9), the rate of violent juvenile arrests fluctuated over the 11-year period from 1970 through 1980 with no strong pattern of growth or decline, although the average rate of arrests was higher in the second half of the decade than it was during the first half. This finding could imply that juveniles in the late 1970's were somewhat more violent than juveniles in the early part of the decade. However, remembering that National Crime Survey data indicated little increase in violent crime during a large part of the decade, these findings could also indicate that law enforcement agencies were apprehending a larger percentage of violent juvenile offenders, possibly due to increased reporting and cooperation on the part of victims.

In summary, FBI arrest statistics show that, between 1970 and 1980, the number of both juvenile and adult violent crime arrests increased, with the increase being greater for adults. The results also indicate that the rate of juvenile arrests for violent crimes, a statistic which controls for changes in the size of the juvenile population,

Rate of Juvenile Violent Crime Arrests 1970-1980

Figure 9



generally increased during the decade of the 1970's. However, that increase may, in part, be representative of a greater cooperation between society and law enforcement agencies, given that the National Crime Survey reports considerably less increase in the actual number of violent acts than the reported crime figures indicate.

The Character of Juvenile Violence

Are violent crimes committed by juveniles as violent as the violent crimes of adults? The offense labels that make up the set of violent crimes cover a wide range of situations. For example, an armed robbery of a bank and a purse snatching are both robberies, although one robbery is clearly more serious than the other. Michael Hindelang and his associates at the Criminal Justice Research Center in Albany, New York, have compared the crimes committed by juveniles to the crimes committed by adults, using data collected by the National Crime Survey between 1973 and 1977. As previously noted, survey respondents are asked whether or not a weapon was present during the victimization, whether they were injured, and if so, how severely, and what economic loss resulted.

Fear of crime often stems from fear of a personal confrontation which may result in serious injury or even death. Crimes which are perpetrated with the aid of a deadly weapon undoubtedly generate more fear than any others. In this case, society has less to fear from juvenile crime than from crime committed by adults. Between 1973 and 1977, the older offenders were consistently more likely than juveniles to possess a weapon during the commission of a violent crime. During this time period, juvenile offenders had a weapon (e.g., gun, knife, club, bottle) in 63 percent of their violent crimes, young adults (individuals age 18 through 20) in 80 percent of their violent crimes and adults (individuals over 21 years of age) in 78 percent of their violent crimes. In addition, the data indicate that guns were rarely used by juveniles. In fact, during this period, adults were about four times as likely as juveniles to have a gun

during the commission of a violent crime.

Another common perception of juvenile violent crime is that juveniles are more likely than adults to resort to excessive physical violence to control their victims instead of the threat of a weapon. But if this were true, one would expect to find serious physical injury resulting more often from crimes committed by juveniles than from crimes committed by adults. The National Crime Survey asks crime victims to describe the seriousness of their injuries by indicating whether or not they required medical attention and/or hospital treatment (emergency room or more). Medical attention was necessary in 10.8 percent of the violent crimes committed by juveniles, 14.6 percent of those committed by youthful offenders, and 17.3 percent of those committed by adults. Similarly, the victims of juvenile crimes were least likely to require hospital treatment: 7.2% of the victims of juvenile violent crimes required hospital treatment, compared to 10.5% of the victims of violent crimes committed by youthful offenders, and 13.3% of victims of violent crimes by adults.

In terms of economic loss, we would expect robberies committed by juveniles to be less serious than those committed by older offenders; that is, they would be less likely to be successfully completed and less valuable property would likely be stolen. Juveniles are obviously less likely to have acquired criminal sophistication, not only because of inexperience but also because they do not tend to specialize, but commit a wide variety of delinquent acts. Consistent with this argument, Hindelang's analyses show that something was stolen in 53% of the robberies attributed to juveniles, in 58% of those attributed to youthful offenders, and in 64% of those committed by adults. In addition, over that same five year period, only 28% of all juvenile robberies resulted in a loss of $10 or more, compared with 44% of the robberies committed by youthful offenders, and 55% of those attributed to adults.

Violent crimes committed by juveniles may therefore be said to be less severe than violent crimes committed

by older offenders, as measured by the presence of weapons (especially guns), the extent of physical injury to the victim, and the economic loss incurred. These results affect the interpretation of all previously discussed findings. Simply comparing the number of juvenile and adult violent victimizations or arrests implies the criminal events were of equal severity. However the data show the violent crimes of juveniles are less "violent" than those of adults.

Who Are the Violent Juveniles?

In 1979, two-thirds of the juveniles arrested for violent crime were referred to juvenile court. The others were either sent to an adult court, referred to another agency, or handled within the police department and released. Many juvenile courts in this country maintain computerized records of the cases they handle. This information is collected annually by the National Center for Juvenile Justice and stored in the National Juvenile Justice Archive. Each year, the Archive receives nearly 500,000 of these computerized juvenile court records, representing one-third of all cases handled by the nation's juvenile courts annually. In 1979, 360,000 of the case records received were from ten states (Alabama, California, Florida, Iowa, Kansas, Minnesota, Nebraska, Pennsylvania, Utah, and West Virginia) whose data systems permitted the National Center for Juvenile Justice to determine whether or not the youth involved was charged with a violent offense. These records were analyzed to produce the following picture of the violent juvenile offender.

In these 10 states in 1979 about five percent of the youth brought to juvenile court were charged with a violent offense, mostly robbery and aggravated assault (see Figure 10). In seven out of every eight violent cases, the juvenile was a male. Older males were brought to juvenile court more often for a violent offense than were younger males (see Figure 11). For example, on average for every 1,000 14-year-old males in the general population, the juvenile courts processed 4.2 cases involving

14-year-old males charged with a violent crime; in comparison the rate for 17-year-old males was 9.4, more than double the rate of the 14-year-old group. Female rates were far lower than male rates and did not increase as dramatically with age. In fact, female rates differed very little for 14- through 17-year-olds.

In our 10-state sample, 69 percent of all youths who

Proportion of All Juvenile Court Cases Referred for Violent Offenses in 1979

Percentage of Violent Cases Within Each Offense Category in 1979

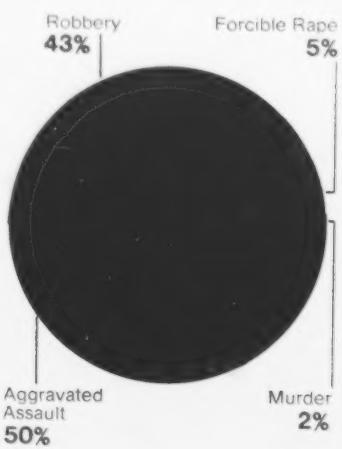


Figure 10

Age-Specific Rate of Violent Juvenile Offenders, 1979

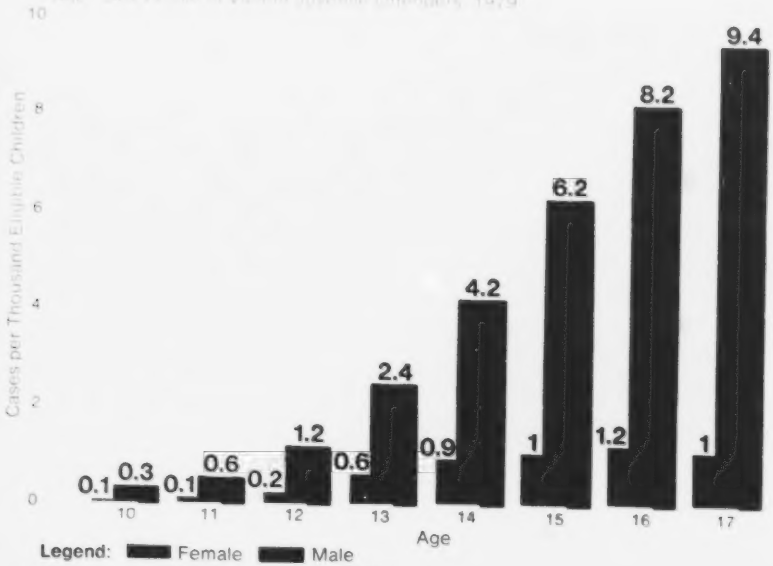


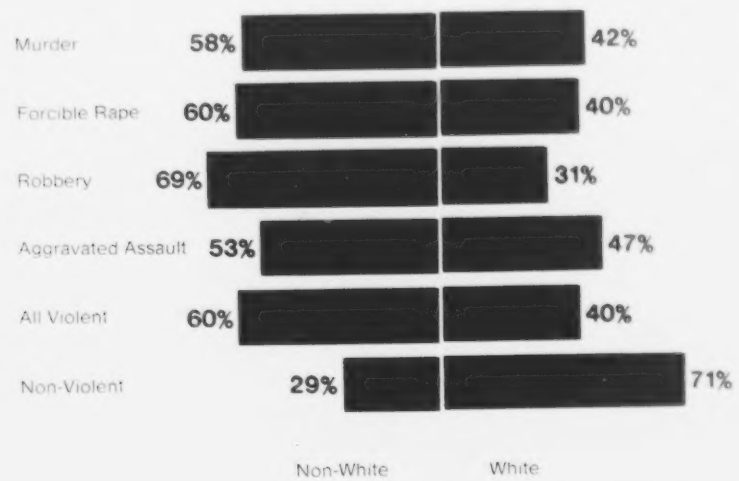
Figure 11

came before the juvenile courts were White and 31 percent were non-White (i.e., Black, Hispanic, American Indian, Oriental). However, only 40 percent of youths brought before the courts for violent crime were White, while 60 percent of those youth charged with a violent offense were non-White (see Figure 12). The greater representation of non-Whites is seen in each of the four categories of violent crime, with the greatest representation of non-Whites in the robbery category.

Finally, and surprisingly, nearly 50 percent of all juveniles charged with a violent crime in this 10-state sample had no prior court history. At the other extreme, over 10 percent had been referred to the court for one reason or another on at least five previous occasions. Therefore, one-half of all the youth charged with a violent offense had no previous court contact. But the other half had had some, and in some cases considerable, contact with the juvenile court before being charged with a violent offense. Sadly, at present, the techniques available for identifying those youth who may commit a violent act are not precise, and nearly all that can be done is to respond to the youth after the act is committed. (The current status of violence prediction is reviewed in this publication by Richard Gable.)

Proportion of White and Non-White Juvenile Court Cases in Each Offense Category in 1979

Figure 12



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Final Thoughts

What to do about violent juvenile crime is one of the major social issues of the 1980's. However, before proposals for dealing with this problem can be made and seriously considered, we must have an accurate understanding of the true scope of the problem, its characteristics and trends. This article has attempted to provide that understanding.

As we have seen, the National Crime Survey estimates that between 1973 and 1979 the number of violent crimes experienced by Americans increased by approximately five percent, and that after controlling for growth in population the rate of violent crime actually decreased. Over the decade, juveniles accounted for about 20 percent of all arrests for violent crimes; and although the number of arrests of both juveniles and adults for violent crime increased, the increase was greater for adults. In addition, an examination of the characteristics of violent crimes committed by juveniles indicates that juvenile violent crimes were less serious in terms of physical harm and economic loss than adult violent crimes. It is now the task of those who would assume the responsibility to incorporate this knowledge into the development and implementation of policies and programs designed to impact on the serious problem of violent juvenile crime.

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Canon to the Left, Canon to the Right:

Can the Juvenile Court Survive?

John L. Hutzler

That "noble experiment," the juvenile court, is in danger of destruction. For nearly twenty years supporters of juvenile courts have feared the United States Supreme Court would deliver the coup de grace. It now appears far more likely their annihilation will come at the hands of those who gave them their commissions in the first place, the state legislatures.

The Charge of the Light Brigade— The Juvenile Court Movement

For over one hundred years there were no special laws in this country for treating children who committed criminal acts any differently from adult offenders. Only "infants," those below the age of reason and therefore incapable of criminal intent, were exempt from prosecution and punishment. Children over the age of seven stood trial in criminal court for their crimes and could be sentenced to prison, or even to death, if convicted.

In the first quarter of the twentieth century, the juvenile court movement swept across the country like charging cavalry to rescue our children from the rigors of criminal prosecution and the inhumanity of incarceration in prison with hardened criminals. Armed with the new weapons of the then-developing behavioral sciences —psychiatry, psychology and sociology—the reformers hoped to treat and cure, rather than merely punish, the antisocial behavior of children. Within a few years of the establishment of the first juvenile court in Cook County, Illinois in 1899, most state legislatures had commissioned special courts to deal with the special problems of children.

Traditionally, juvenile justice in this country has been characterized by the canons of care, concern, treatment, training and rehabilitation. The underlying justification for a separate juvenile justice system has been that children are not fully responsible for their antisocial behavior and can, if humanely treated in proper rehabilitation programs, become productive members of society. Crime, punishment, deterrence, retribution—these words did not legally apply to children, but only to adult criminals. Juvenile courts existed to help children in trouble with the law rather than simply to punish them or to make examples of them to deter others. These benevolent purposes were clearly stated in the early laws establishing the juvenile courts, and resulted in significant substantive and procedural differences between the criminal and juvenile justice systems.

Throughout the second quarter of the century, juvenile courts in most states exercised exclusive original jurisdiction over all persons under the age of eighteen charged with conduct prohibited by the criminal law. A child could be prosecuted in criminal court only if the juvenile court waived its jurisdiction and transferred the child for prosecution as an adult. That decision was to be made "in the best interests of the child and the public," and—consistent with the canons of individualized justice—it was generally based on case by case consideration of whether or not a particular offender was amenable to rehabilitation in the juvenile system.

The juvenile court also controlled its own intake, unlike the criminal justice system where the selection of cases for trial was a matter for the district attorney. Furthermore, while a criminal prosecutor's decisions regarding what charges to file and whether to accept a plea or proceed to trial were based primarily on legal factors, such as the offense involved, the defendant's prior record and the strength of the evidence, the intake officer in juvenile court was to consider the social, psychological, educational and economic strengths and weaknesses of a child and his family. Consistent with the social casework model, which emphasized the search

for the causes of delinquency and strategies of rehabilitation, juvenile court intake focused, to a substantial degree, on the offender rather than the offense. Accordingly, the intake officer had broad discretion to resolve cases through a variety of informal approaches, if he felt that a formal petition and a hearing before the judge were unnecessary.

In those cases which required judicial action, hearings before the judge were conducted in an informal manner. The formal procedures of a criminal trial and the constitutional rights intended to protect an accused criminal from abuses of power by the state were considered unnecessary in a system whose very purpose was to protect children from the rigors of criminal process and criminal punishment.

If the judge found a child to be within the jurisdiction of the juvenile court, whether for truancy or armed robbery, the full range of dispositional options was available. The criminal justice concept that punishment should fit the crime had no place in the determination of appropriate treatment for a misguided child. Whatever the conduct that brought the child to the court's attention, the juvenile court judge was to consider the broad range of social facts regarding the child and his family and to direct treatment "in the child's best interests" and in accordance with his needs. A stern warning might suffice for one child, while another might require formal supervision by a probation officer or commitment to the training school.

The juvenile justice system's focus on the offender rather than the offense, on rehabilitation rather than punishment, also resulted in rejection of the fixed term of imprisonment for crime in favor of indefinite juvenile commitment. Children committed to the training school could remain there until age twenty-one if their treatment required it, but were to be released as soon as they were "cured."

Despite the early success of its sweep across the nation, however, the juvenile justice movement faced serious ordnance and supply problems. The new weapons

of diagnosis and treatment with which the campaign began never achieved their anticipated accuracy or effectiveness, and the monetary resources needed to pursue the new strategy effectively were never provided. The failure of the movement to achieve its ultimate objective—the solution to juvenile misbehavior—eventually began to erode public confidence in the juvenile court.

Canon to the Left—Procedural Reform

For over half a century, the advance of the juvenile court movement was virtually unchallenged. With few exceptions, constitutional attacks on this separate justice system for children were rebuffed by state appellate courts, and the United States Supreme Court maintained a policy of strict neutrality for many years, sidestepping these skirmishes through the expedient tactic of refusing to hear such cases.

In the fifties and sixties, however, civil libertarians found powerful allies on the Supreme Court, and the canons of procedural due process were turned first on the criminal justice system and, when it had been blasted into constitutional submission, upon the juvenile courts. In *Kent v. United States*, the Court made a limited incursion into this previously unexplored territory. So well camouflaged was the Court's original foray into the juvenile field that to this day legal historians remain uncertain whether constitutional artillery was employed or merely the small arms fire of statutory interpretation. Aiming carefully at a narrow but "critically important" aspect of the juvenile court's responsibility—the decision to surrender its jurisdiction over a case and transfer a child for prosecution in criminal court—the Supreme Court imposed the requirement of a formal waiver hearing. Although in its opinion the Court sought to emphasize the limited nature of its objectives in *Kent*, many strategy analysts today see that case as a scouting mission, which tested the aging and weakened defenses of juvenile justice philosophy and established the line of attack for the campaign to follow.

Having found the range with its decision in *Kent*, the Court delivered a constitutional barrage with its opinion in the *Matter of Gault* the following year. Many long-standing defenses of the juvenile court were swept away in that attack, and with them many of the procedural informalities of the delinquency adjudication process. That single engagement won for juveniles charged with delinquent acts which might result in their confinement the Fifth Amendment privilege against self-incrimination and the rights to notice of the charges against them, to an attorney, to confront and cross-examine witnesses, to a transcript of the proceedings and to appeal.

The juvenile justice system as originally conceived suffered another blow in the *Matter of Winship*, which required that delinquency be proved beyond a reasonable doubt. Until then most states had required that delinquency be established only by a preponderance of the evidence, essentially proof that "more likely than not he did it."

Many feared that the decisions in *Gault* and *Winship* would mean the end of the juvenile court as a distinct and philosophically different approach to dealing with juvenile misbehavior. In fact, they did not. As the Supreme Court had repeatedly emphasized, these opinions affected only the adjudication hearing, in which the court determines whether the child has committed a delinquent act. The constitutional requirements of *Gault* and *Winship* were intended to enhance the accuracy of that fact-finding process, not to alter the basic philosophy of the juvenile justice system, embodied in the concepts of rehabilitation and individualized justice. Although the Court felt that the juvenile justice system had not achieved its benevolent purposes, it did not challenge the merits of those goals, nor the unique intake and disposition processes for achieving them.

In *McKeiver v. Pennsylvania*, the Supreme Court declared a temporary cease-fire, refusing to fire the final shot which "might well destroy the traditional character of juvenile proceedings." As Justice White explained in his concurring opinion, there remained, even after

Kent, *Gault* and *Winship*, enough "differences of substance between the criminal and juvenile courts . . . to hold that a jury is not required in the latter."

Canon to the Right—Substantive Revolution

In the eleven years since *McKeiver*, however, those "differences of substance" have been disappearing before an onslaught of law and order legislation passed in response to the demands of an outraged public, alarmed by what they perceive as an explosion of serious and violent juvenile crime. As pointed out in the preceding article, that perception is, rather, a misperception. Nevertheless, it has provided the impetus for substantive attacks on the juvenile justice system more threatening than all the procedural reforms imposed by the Supreme Court. Some of these legislative responses to the problem of serious juvenile crime are designed to remove certain offenders from the "protection" of the juvenile system and to deal with them as *criminals in criminal court.* Other legislative approaches, however, alter the basic principles of the juvenile justice system, requiring the juvenile court to adopt criminal justice policies and to treat certain offenders as *criminals within the juvenile justice system.*

Since most juvenile crime is committed by sixteen and seventeen-year-olds, legislatures might have responded to public demands that they "get tough" with juvenile offenders by lowering the age of juvenile jurisdiction and placing all such offenders in criminal court. In fact, this has not happened. For many years Georgia, Illinois, Louisiana, Massachussetts, Michigan, Missouri, South Carolina and Texas have excluded all seventeen-year-olds from juvenile jurisdiction, and Connecticut, New York and North Carolina have excluded both sixteen and seventeen-year-olds. But, in recent years, although bills have been submitted in many states which would have lowered the age of criminal responsibility, what legislation has passed in the last decade has done just the opposite. Eight states (Alabama, Florida, Maine, New Hampshire, North Dakota, South Carolina,

Vermont and Wyoming) have actually increased the upper limit of juvenile court jurisdiction; none has lowered it.

Instead of taking such broad action, state legislatures have, like snipers, been picking away at the juvenile court's exclusive jurisdiction over juvenile crime with amendments aimed at particular classes of offenders. Such legislation occurs in two forms. Either certain offenders are excluded from the juvenile court's original jurisdiction so that they must initially be charged in criminal court, but with provisions for the criminal court to refer appropriate cases to juvenile court in a kind of "reverse waiver." Or offenders are totally excluded from juvenile court jurisdiction by requiring that every such case must be prosecuted in criminal court.

Fourteen states (Delaware, Indiana, Idaho, Kansas, Louisiana, Maryland, Mississippi, Nevada, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island and Vermont) now exclude some serious offenders from the jurisdiction of the juvenile court. While several of these states have exclusion provisions of long standing, there have been significant additions to the list of exclusionary provisions in recent years.

Perhaps the best known example is New York's Juvenile Offender Law, passed in 1978. New York law already required that persons sixteen and over be treated as adults, but until 1978 there was no way that a juvenile under sixteen could be tried in criminal court, regardless of the seriousness of the offense. The new law created a new category of Juvenile Offender for youth under sixteen charged with certain felonies and required that prosecution of such Juvenile Offenders originate in the adult criminal system. Youth as young as thirteen charged with second degree murder and youth fourteen or over charged with any one of a long list of felonies, including some forms of burglary, were classified as Juvenile Offenders. As with many other excluded offense provisions, the New York Law provides for transfer of such cases to Family Court. But the New York scheme for "reverse waiver" is far more complex

than those of other states, permitting transfer of cases at several different stages of criminal proceedings, and requiring the prosecutor's consent before the most serious Juvenile Offenders may be transferred to Family Court.

In one sense these jurisdictional amendments accomplish a complete reversal of the juvenile justice philosophy of individualized justice which focuses on the characteristics of the offender rather than the offense. They replace the juvenile court's discretion to waive individual offenders for criminal prosecution with a rule of law which removes a whole class of offenders from the protection of the juvenile court. On the other hand, such legislation does not, of itself, alter the way in which the juvenile justice system deals with those who remain within its jurisdiction.

The public pressure to get tough on serious juvenile offenders has prompted legislatures in several states to substantially broaden the range of juvenile cases which may be waived for prosecution in criminal court. In recent years, New Jersey, Indiana and Idaho have reduced the minimum age at which juveniles may be waived; Connecticut, Mississippi and Montana have expanded the list of serious offenses for which juveniles may be waived for criminal prosecution.

Like the exclusion legislation, expansion of the juvenile court's waiver authority may result in more juvenile offenders being tried as criminals, but it does not effect any basic change in the principles and purposes of the juvenile court in the exercise of its jurisdiction. Statutory provisions for the surrender of jurisdiction by the juvenile court over those offenders which it considers unamenable to juvenile rehabilitation have always been a part of most juvenile codes. Indeed, many of the original laws, and many existing juvenile codes, authorize the court, in its discretion, to waive *any* offender for criminal prosecution. Amendments which merely broaden the class of cases in which the court may consider waiver do not, therefore, reflect any change in traditional juvenile justice philosophy.

Recent changes in the stated purposes of juvenile codes across the country, however, represent fundamental departures from the original rehabilitative purposes of the juvenile justice system. These new provisions introduce concepts and language previously foreign to the juvenile justice system, adopting the more explicitly punitive and social control purposes traditionally associated with the criminal law. Among the stated purposes of the juvenile law in many states today are: "protection of the public from criminal activity," holding juvenile offenders "accountable for criminal behavior," providing "punishment commensurate with . . . crime," assuring "prosecution . . . and sanctions . . . consistent with the seriousness of the offense," and providing "effective deterrents" to juvenile crime. California, Washington, Maine, Florida, Indiana, Minnesota, and New Mexico have all made such basic changes in the stated purposes of their juvenile codes since 1976.

The introduction of principles of punishment, deterrence, accountability, and protection of the public into the purpose clauses of juvenile justice legislation is by no means the only manner in which legislatures across the country are reshaping the juvenile justice system. The new rhetoric of purpose clauses is being implemented by substantive changes which reduce or eliminate the court's discretion to control its own intake, to transfer cases for criminal prosecution, to select the most appropriate disposition, and to make indefinite commitments. Unlike the decisions of the Supreme Court, many of these legislative actions strike at the heart of the substantive principles on which the juvenile justice system was established.

While some states merely broadened the applicability of the juvenile court's traditional waiver discretion, other states sought to make criminal prosecution more likely by insisting that the court consider waiver in certain types of cases, by permitting or requiring the court to assume that certain offenders should be waived, or even by requiring that the court transfer all juveniles

charged with certain offenses for trial in criminal court. Mandatory waiver provisions, which eliminate entirely any juvenile court discretion to retain the case once certain conditions have been established, were enacted in Indiana and Connecticut. California, Virginia, Louisiana, Indiana, Minnesota and Kentucky passed presumptive waiver provisions, which require that certain serious offenders be waived—unless they can prove they are suited to juvenile treatment—or completely eliminate the need to consider a juvenile's amenability to rehabilitation once probable cause to believe certain facts regarding his offense and prior record has been shown.

The transfer of juvenile offenders for prosecution in adult criminal court has traditionally been a matter within the sound discretion of the juvenile court. Consistent with the principles of individualized justice, it involved case by case consideration of the offender's suitability to the rehabilitative strategies of the juvenile system. These recent legislative changes have substantially increased the influence of three objective factors—age, present charge and prior record—in the determination of the transfer issue. Correspondingly, they have reduced both the degree of judicial discretion and the role of individual offender characteristics in the exercise of that discretion.

Substantively quite similar to mandatory waiver provisions, although procedurally different, is another legislative response to the problem of the serious and violent juvenile offender—the grant of concurrent jurisdiction over such offenders to both the juvenile and criminal courts in place of the traditionally exclusive jurisdiction of the juvenile court. Such a change removes from the juvenile court judge his traditional discretion under judicial waiver provisions to decide whether certain offenders are beyond the reach of the rehabilitative tools of the juvenile system and should be proceeded against in adult criminal court. Concurrent jurisdiction provisions give the district attorney the discretion to elect the forum for prosecution in the first instance, without requiring him to file the case in juvenile court

and then to request waiver or to demand transfer of the case for criminal prosecution. In all, there are now eight states (Arkansas, Colorado, District of Columbia, Florida, Georgia, Nebraska, Vermont and Wyoming) which provide for concurrent jurisdiction over serious juvenile offenders.

The power of the prosecutor, the champion of law and order, has been substantially increased by the adoption of the presumptive and mandatory transfer provisions and the concurrent jurisdiction provisions described above. Such legislation permits the prosecutor to control the juvenile court transfer process through his control of the charging process. The clear trend of recent amendments is a shift away from the discretion of juvenile court intake officers and judges to consider the social factors of a child and his family; it is toward criminal justice policies of prosecutorial discretion and decision-making based on present offense and prior record.

The juvenile justice philosophy of rehabilitation and individualized treatment, embodied in the grant of broad dispositional discretion to the court and the provision for indeterminate commitments, has repeatedly come under attack from the left. Civil libertarians have objected to the injustices of a sentencing system which permits minor offenders to be locked up for longer periods of time than more serious offenders. Constitutional challenges to indeterminate sentencing have not succeeded, however. The lower courts have repeatedly sustained the indefinite commitment of delinquent children to correctional agencies, and the United States Supreme Court's opinions in *Gault*, *Winship* and *McKeiver* addressed only the adjudication phase of the juvenile process.

Law and order advocates, on the other hand, have criticized the sentencing policies of the juvenile justice system for failing to adequately protect the public from serious and violent juvenile offenders. These attacks from the right, capitalizing on the public concern over rising crime rates and the system's apparent inability to effectively rehabilitate youth, have had much more

success in the state legislatures than have constitutional challenges in the courts.

On occasion, a coordinated attack can achieve complete victory. To date, however, Washington is the only state which has enacted comprehensive determinate sentencing legislation for all juvenile offenders. This was accomplished as part of the comprehensive revision of the state's juvenile laws embodied in the Juvenile Justice Reform Act of 1977, which was supported by a broad spectrum of groups ranging from the ACLU to the King County prosecutor's office and the Seattle Police Department.

More often, it is the law and order forces which prevail with a charge directed at the current weak point in the juvenile justice system's defenses against legislative intrusion. Most of the recent legislation restricting the courts' traditionally broad dispositional discretion and the discretion of juvenile correctional authorities to release an offender as soon as he has been "cured" has been directed specifically at the sentencing of serious, violent and habitual offenders.

Although legislation designed specifically to protect the public by insuring the incarceration of the most serious juvenile offenders is much more common than the comprehensive sentencing scheme in Washington, both are designed to reduce the traditional discretion of juvenile court judges and correctional officials to tailor disposition, treatment and release decisions to the rehabilitative needs and the rehabilitative progress of the individual offender. They represent a significant move toward the criminal justice philosophy of punishment proportional to the offense, replacing the dispositional social study with the "rap sheet." They promote the new goals of deterrence, retribution, public safety, accountability and proportionality, previously associated only with the criminal law, rather than the traditional juvenile justice principles of rehabilitation and individualized treatment.

Such legislation also increases the probability that plea bargaining will invade the juvenile justice process.

Long considered a necessary evil of the criminal justice system, but anathema in juvenile court, plea bargaining requires that the district attorney have the discretion to prosecute a defendant on more serious charges with more serious consequences. The prosecutor may then bargain away such options in exchange for the defendant's plea of guilty to a lesser charge. Traditional juvenile code provisions granted broad discretion to the intake officer, the judge and the correctional staff, leaving the prosecutor little room and little incentive to negotiate pleas. Much of the recent legislation reviewed provides the prosecutor with bargaining power he never had before in juvenile cases. Power to charge a juvenile with an offense which would result in criminal trial and criminal punishment or to charge an offense which, upon adjudication, would permit or even require the juvenile court to impose stiffer penalties provides the prosecutor with effective bargaining chips for negotiating a juvenile's surrender on more favorable terms. Some states have sought to mitigate the potential for prosecutorial abuses with legislation which discourages overcharging to establish criminal jurisdiction by providing that, upon conviction of a lesser included offense, the defendant must be transferred for disposition as a delinquent by the juvenile court. Others, however, permit the criminal court, once it acquires jurisdiction of the offense charged, to retain jurisdiction of the case for sentencing even when the offense for which the defendant is convicted is not within the original jurisdiction of the criminal court.

Into the Valley—Final Thoughts

After half a century of conquest and occupation the juvenile court has in recent years entered a valley in which it has been caught in a withering cross-fire which may ultimately destroy it. From its left, the canons of the civil libertarians fired the first volleys in the form of Supreme Court decisions imposing due process requirements upon the juvenile court. From the right, the forces of law and order have moved, through legis-

lation, to force fundamental changes in the purposes of the juvenile justice system and the substantive provisions of the juvenile law.

The conflict between the principles of civil liberty and social control has long been a part of the criminal justice system. Now, apparently, it is being waged in the context of the juvenile justice system. To the juvenile court, caught in the middle, it is of little consequence whether the fire from each side is directed at the other or at the court itself; together they threaten the court's very existence as a system of justice based on principles which are fundamentally different from those of the criminal law.

The level of conflict is likely to escalate. Even as he acknowledged those "differences of substance between criminal and juvenile courts" eleven years ago, Justice White conceded that the States were "free if they extend criminal court safeguards to juvenile court adjudications, frankly to embrace condemnation, punishment, and deterrence as permissible and desirable attributes of the juvenile system." Many state legislatures have embraced such criminal justice goals for their juvenile justice systems; few have accorded juveniles the full panoply of criminal justice protections. When confronted with the question whether juveniles charged with "crime" in a court whose declared purposes are to "condemn," to "punish," and to "deter" such conduct, the Supreme Court may conclude that it can no longer permit states to deny the rights to trial by jury and to bail to juvenile "criminals." State legislatures, if confronted with the obligation to extend to juveniles all the rights of adult criminal defendants, might well subject all juvenile offenders to criminal trial and criminal punishment.

The juvenile justice system, if it survives at all, may soon become not a separate and philosophically different approach from the criminal justice system, but merely a separate criminal justice system for criminals under the age of eighteen.

Juvenile Delinquency Research:
Truths, Myths and Hopes

Richard J. Gable

Introduction

Research in the field of juvenile delinquency constantly produces new data, although it seems seldom to produce new programs. This is due, in part, to the nature of research itself. Research necessarily follows innovation with researchers testing the effectiveness of new program initiatives. Thus, research often seems to lag behind the times, rather than serving as a leading force in the development of more effective controls and treatment for youthful misbehavior.

But part of the problem is also the lack of communication between practitioner and scholar. Juvenile justice professionals complain that the research community is ignorant of the day-to-day workings of the juvenile court system and, therefore, cannot produce useful and valid data. Researchers, on the other hand, complain that practitioners are not interested in research, except when it supports current practice. Indeed, it is a rare university professor, studying delinquency, who has more than a surface understanding of the juvenile justice system and the real life constraints on juvenile court practice. It is an equally rare court which gives credence to research findings in the planning and evaluation of court findings. Neither side in the practitioner/researcher relationship benefits from the other. The fundamental problem with this "Tower of Babel" approach to the researcher/practitioner world is that progress is made (and measured) largely by vignette and political influence, rather than by sound research design. Little wonder that programs develop, and are perpetuated, by those with the most eloquent voice, rather than those with the most persuasive documentation.

It is the goal of this article to help bridge the com-

munications gap between practitioner and researcher and present some research findings of the recent past which are potentially applicable to the development of policies, programs, and daily procedures in the juvenile courts. The studies and reviews included in this article were selected for sound design and execution, as well as for timeliness and utility of the findings for the practitioner.

Overview

Previous articles concentrated on the problem of the violent juvenile offender. This is appropriate because violent juvenile crime is the issue of prime importance today in the mind of a public which perceives itself endangered by the youthful offender.

In addition to violence, the public is concerned about the young offender who persists in his criminal misbehavior. Serious juvenile criminality can be both qualitative (i.e., violent) or quantitative (i.e., habitual).

This article continues the focus on violent and serious juvenile crime, examining the findings of a number of studies which have looked at the prediction of violence, the response of the criminal and juvenile justice systems to youthful violence, and 'life of crime' indicators for habitual criminals. We will examine serious delinquency from both a juvenile justice system perspective and a clinical vantage point to see if there are any encouraging signs that indicate we may one day be able to predict which youngsters are prone to violence, and thereafter successfully intervene to prevent crime. We will examine new approaches, unsuccessful, successful and promising, for curtailing violence. Finally, this article will examine the methods we use to advance our understanding of the serious offender.

Prediction: Who Becomes the Violent Offender

Surely the most difficult and urgent question in the minds of most juvenile court professionals is: "How can we curtail violent activity by youth, and how can we tell which youngsters are likely to continue in a pattern

of serious anti-social behavior?"

The question suggests the strain between the values of punishment and rehabilitation inherent in the juvenile court system. If the only goal of the system were to constrain subsequent youthful misbehavior, we could meet that goal, except for instances of institutional violence, by long periods of incarceration. We have the tools to insure that first-time violent youth will not repeat their crimes in the community. We have, as a society, however, rejected those tools in favor of a system which balances punishment and rehabilitation in order to achieve not only crime control, but also the transformation of criminals into "productive citizens." But our technology is not sufficiently sophisticated to provide much guidance as to where the balance should be struck. Assuming that we cannot rehabilitate all criminals, which shall we choose, and how often can we afford to be wrong? These are the questions with which practitioners must struggle, and they complain they are offered little guidance by the research community.

As the public's perception of danger increases, so too does the importance of these questions. In recent years, both have been on the rise.

The attempts of clinicians to predict the future behavior of individuals have always proved unsuccessful. In a recent book, John Monahan, a psychologist and Professor of Law, Psychiatry and Public Policy at the University of Virginia, has examined the literature regarding the clinical prediction of violence. His book, *Predicting Violent Behavior, An Assessment of Clinical Techniques*, while primarily intended for the clinician, provides a much needed summary of clinical prediction strategies of use to professionals in the courts. It bears both discouraging and encouraging tidings. As might be anticipated, the most accurate clinical predictions, says Monahan, will be correct only one time in three. On the other hand, Monahan believes that clinical prediction is becoming a more refined science, with the potential for incorporating statistical models to help shape our prediction techniques. In fact, the "actuarial"

method of predicting behavior, which relies on where an individual fits within a statistical profile, rather than on how he appears to the clinician, is, according to some studies, more accurate than the individual clinical approach. Monahan points out, however, that this method of prediction does not allow for the "rare event"; that is, the unusual circumstance which appears to play a role in triggering many violent acts. For now, Monahan advises that actuarial information should not be used to "make" decisions, but rather only to "support" decisions made with clinical judgment.

Stanley Brodsky, in the introduction to Monahan's volume, notes that courts demand with increasing frequency that violent behavior be predicted at the same time that the accuracy of the prediction is condemned:

> Th(e) accelerated emphasis on violence potential has been accompanied by a parallel growth in condemnation of violence prediction. On the one hand are the moral condemnations, that it is evil to predict violence, for the poor, the minorities, and the powerless quickly acquire labels as dangerous, and societal patterns of discrimination are extended further on them. On the other hand are the scientific condemnations, which hold that violence does not lend itself to being predicted. The scientific criticisms point out the difficulty of predicting any rare event and call attention to the miserable record of violence predictors in most research studies.
>
> The condemnations don't work, at least in terms of stopping violence prediction. Many clinicians are legally mandated to make such judgments, and psychiatrists, psychologists and other mental health professionals do continue to predict violence.

What then is the lesson for the practitioner? Monahan equivocates on the value of violence prediction and stresses the need for conditional statements of violence potential. Rather than say, "Johnny will be violent again," Monahan would have us say that "Johnny may be violent if he is confronted with a challenge to his

masculinity." Such a statement, while perhaps more accurate, leaves the court professional with little guidance on how to proceed. The probabilities of violent behavior have now shifted to the probabilities of masculinity confrontation. While this may be a less difficult prediction, it will certainly be less valuable to a court of law. While not advocating that decisions be based on "gut reactions," Monahan emphasizes the value of clinical experience in developing accurate predictions. This suggests that the experience of the judge and probation officer may, in fact, be the most important single factor in accurately predicting future violence. If the court is able to predict more accurately than the one in three "batting average" consistently noted in research, and if the court is careful to note how it made its decisions so that others may gain from the experience, we will have made the best use of the technology of prediction which is available to use.

Career Criminals: Who Remains the Habitual Offender

If individual prediction of violent behavior continues to be discouraging for the juvenile court practitioner, the understanding of habitual criminality appears to be no easier. Career criminal research is an attempt to understand those individual and system characteristics which predict a long pattern of criminality. It is very much related to the actuarial prediction strategy described above. It is as simple as understanding what makes a "bad boy" and as complicated as multivariate statistical procedures to develop prediction quotients.

In the United States and in Britain, career criminal research has provided a wealth of findings which are of importance to juvenile justice professionals and policy analysts. Perhaps most widely read and quoted are the studies conducted by Marvin Wolfgang at the University of Pennsylvania, Donald West and David Farrington at the Institute of Criminology, Cambridge University, England, and Peter Greenwood at the Rand Corporation. Each of these investigations adds to our understanding

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of the career criminal and the juvenile and criminal court processes which may deter or propel their careers.

In his classic study of 9,945 youngsters born in Philadelphia in 1945, Marvin Wolfgang attempted to understand the evolution of a criminal career from very early childhood through adulthood. Perhaps his most important finding is that while only a very small percentage of the cohort became career delinquents, they accounted for an immense proportion of the serious crimes committed by the group. During their juvenile years, only 6% of the cohort could be called "chronic offenders." This group of hardened juvenile offenders, however, produced 71% of the homicides, 73% of the rapes, 70% of the robberies, 69% of the larcenies, and 51% of the auto thefts known to be committed by the cohort. These figures are based on arrests, not actual commissions of crime. It is possible, therefore, that "chronic offenders" are arrested more frequently, because they are known to the police. If this is true, the contribution of this group to the entire cohort's arrest profile may be overestimated. Nevertheless, since arrests constitute our society's major measure of criminality, the significance of the numbers should not be minimized.

Wolfgang teaches us that it is, indeed, a sub-population of delinquents which should cause us most concern in our efforts to control youth crime. Conversely, the remaining 94% of Wolfgang's sample demonstrates that the vast majority of delinquency processed by our courts is relatively transitory in nature and should be of lesser concern from a career criminal perspective.

In a similar study conducted by Donald West and, more recently, David Farrington from the Institute of Criminology at Cambridge University, a cohort of 411 males, age eight at the time the study began, were followed from 1961 to 1980. In a recent paper completed by David Farrington while a visiting fellow at the U.S. Department of Justice, the cohort was examined in an attempt to understand the patterns of criminal behavior for males from age 10 to 25.

Farrington has examined patterns of criminality as

a function of age, the relationship between juvenile and adult offenses, and the nature of the offenses committed by these young adults. Of particular importance are his findings that one-third of the sample had been convicted of at least one offense by the age of 25 and that the conviction rate for boys in his sample peaked at age 17. By age 22 the number of convictions per year had been reduced by one-half, and reduced by one-half again by age 24.

Although the number of convictions within the entire cohort increased to age 17, and then began to abate, an examination of the individual criminal careers of these youngsters indicates a very high correlation between the number of juvenile convictions and the likelihood of later adult convictions. Farrington reports that more than three-quarters of those youth with four or more convictions as juveniles also had four or more convictions as adults. This is the career criminal group, for which court processing in England appears to have had little positive effect. In fact, Farrington concludes that the probability of getting convicted for a subsequent offense increases with the number of prior convictions. One in three members of the entire sample was convicted of a crime at least once. For those with one conviction, two out of three were convicted a second time. This pattern continued until youngsters with six convictions had a 90% chance of being convicted a seventh time.

Farrington suggests that those youngsters with six or more convictions are, in fact, a different type of offender from those with five or less convictions. Consistent with Wolfgang's conclusions, Farrington found that this group, which was less than 6% of the sample, accounted for one-half of all the convictions studied. On the average, these youngsters had been convicted of criminal offenses ten times during the fifteen year period of the study.

Finally, Farrington examined the nature of the offenses committed by his sample to determine whether their severity escalated at the same rate as their number.

There is little evidence that the severity of crimes committed by youths escalates over time, or that youth tend to "specialize" in certain types of offenses. With some exceptions, most individual offense patterns were mixed, with serious and non-serious offenses interspersed within the same criminal career.

Farrington's work is important to our understanding of the impact of the juvenile court on the behavior of its wards. The Cambridge study provides us with a measure of delinquency which can be used as a comparison when examining the impact of our programs. It helps us to have realistic expectations of how successful we might be. Farrington's work indicates between 5 and 7% of youth are destined for long careers of crime. Unfortunately, we have not been able to identify those factors which indicate at an early age whether an individual is likely to be in this group, so that vigorous steps at deterrence or rehabilitation may be taken.

Farrington suggests that one potential identifier of the career criminal is the age at which the youngster first appears before the juvenile court; the younger the age of the child at first appearance, the more likely the child is to become a habitual offender. This correlation has also been documented by Donna Hamparian and her associates in Columbus, Ohio. Unfortunately, this predictor is of little use to the juvenile court professional, since the basic philosophy of the juvenile court is grounded on the assumption that younger children are less responsible for their behavior *and* more malleable in their development. As such, a strong response is not often considered appropriate either as a deterrent or as an attempt at remediation. In fact, recent movements such as diversion have attempted to keep young children completely outside of the juvenile court. The vigorous application of sanctions and treatment have largely been reserved for older, less tractable offenders.

If age at first appearance is not useful in identifying the chronic offender, the only other choice, based on current research, is to wait until a youngster has been convicted six or more times before labeling him "chronic."

This is obviously not practical. If we are to begin to use career criminal research to guide practice, considerably more attention must be paid to the identification of factors which can aid us in our predictions of future misbehavior.

The Justice System: Do We Create Career Criminals?

While Wolfgang and Farrington have concentrated their attention on offenders, Peter Greenwood and his colleagues at the Rand Corporation have been examining the system of justice which deals with these youngsters. Of primary importance is an exploration of court processes which might support the development of a career of crime. In a study conducted in Los Angeles, Columbus, Ohio and New York City, Greenwood looked at the extent to which youthful offenders "get a break" when they pass the boundary from juvenile to adult court. Some believe that precisely when youngsters are reaching the peak of their criminal behavior, they change courts. The adult court sees them as "new offenders," subject to less severe sanctions than the chronic repeaters they might be. Greenwood first examined the arrest statistics for young offenders, and then interviewed officials in each of the study sites. Three sets of findings from the Rand study are important to understanding system processing of youthful offenders.

The first set of findings of interest from the Rand study concerns the degree of "leniency" shown youthful defendants by the criminal court. Greenwood reports significant differences among jurisdictions in this regard. Greenwood believes the differences between study sites are attributable primarily to policy variables such as the maximum age of juvenile court jurisdiction, the priorities of the prosecutor and the views of the judge regarding the criminal responsibility of youth. In each of the sites surveyed, however, the degree of "leniency" shown youthful offenders convicted of serious crime was less than that shown offenders convicted of less serious property offenses. Greenwood speculates that severe offenses consistently control dispositions in most courts,

while other factors, such as age and prior record play a variable role in the disposition of less serious cases.

The second section of the Rand study addresses the use of juvenile court records in the criminal court process. If the juvenile court records were not available in adult proceeding, the young offender would "look" better to the adult court. Greenwood found that this was true in all three study jurisdictions. Those courts with greater access to juvenile records were less lenient with youthful offenders; those with limited access were more likely to give the youth a break. It is interesting, however, that Greenwood's discussions with prosecutors revealed that, by and large, the use of juvenile court records was not seen by them as helpful in the presentation of individual cases, either because of the inaccuracy of the record, or its inapplicability to the situation before them.

Greenwood asserts that the seriousness of youthful criminality may be overestimated for three reasons. Since youth generally are arrested for less serious offenses, the true measure of their criminality is often less serious than that portrayed simply by numbers of arrests. Too, one crime (from the victim's standpoint) committed by a group of youngsters may result in many arrests. Group criminality, Greenwood points out, is more frequently associated with youth than with adults. Finally, Greenwood reports that police are more likely to arrest youth than adults who are marginally involved in criminal behavior. This final factor may make "leniency" for young offenders more justifiable, since the actual behavior of crime may be less serious than for an adult convicted of the same offense.

Greenwood's analysis of arrest statistics and their possible distortions is based largely on anecdote. Although it is true that the amount of actual crime cannot be measured and, therefore, the extent of the distortion in reporting youth crime cannot be quantified, the amount of youth crime occurring in groups and the percentage of arrests for "marginal criminal activity" of youth and adults could be determined. Greenwood's

thesis would be more convincing if documented this way rather than by anecdote.

The major research findings presented in this section addressing career criminals have the potential for both hope and frustration. There is hope that we can begin to understand those factors which are associated with a serious pattern of crime. We can understand the role of various system processes in encouraging or deterring that pattern. This is the good news. The bad news is that we simply haven't come very far in our search. Most practitioners would be unwilling to assume that a young delinquent is on the road to a serious criminal career; waiting until after the sixth referral may be a better predictor, but is much too late. System influences, such as the sharing of information appear to have an effect on the outcome of court proceedings, but this is not consistent across jurisdictions. The field has advanced from one of "no information" to one of "little information." It is a beginning.

Can We Rehabilitate?

While there is cause for some discouragement regarding our ability to predict who will become and remain a serious offender, there is some hope that we have come a bit further in our ability to intervene successfully with those youngsters we do select. This is not an opinion, however, without considerable debate in the delinquency literature. Juvenile court professionals have consistently argued that rehabilitation can only work with adequate resources and have pointed to limited investigations of preferred programs to support claims of success. At the other end of the continuum, authors like Lipton, Martinson and Wilks, in their volume on the effectiveness of correctional treatment, have commented:

> While some treatment programs have had modest successes, it still must be concluded that the field of corrections has not yet found satisfactory ways to reduce recidivism by significant amounts.

This carefully-worded conclusion is, in fact, an understatement of the growing litany of proclamations that

"nothing works." Obviously, something works! If not, the number of delinquent offenders would grow exponentially as the population ages. It may be the case, as some astute observers point out, that the true role for juvenile rehabilitation is one of containment and supervision until the natural process of maturation and the taking of adult responsibility has a chance to shape behavior.

Nowhere is the concern about the adequacy of rehabilitation more evident than with the young violent offender. We should be concerned about this group since failure to alter their behavior can result in serious consequences for society. In addition, the media keeps these youngsters in the public focus. If a court fails to act severely, or if the action does not produce positive results, we are likely to be told about it. Unfortunately, with this specific sub-population, the results of evaluation studies are not encouraging, especially when conducted by scientists not directly connected to the program.

In an excellent piece of work which, unfortunately, was not distributed widely, Marc Neithercutt of Bay Area Research Design Associates in San Francisco, reviewed the published and unpublished evaluation reports of more than twenty-five treatment programs which have received national prominence as hopeful intervention approaches for serious youthful offenders. Of the many findings presented in Neithercutt's work, the one which is most discouraging is that very few of the programs reviewed contained either a program or evaluation focus on the violent offender:

> The truth of the matter is that there is no concerted effort in institutions to meet the problems of violent youth planfully and openly. There are only a handful of efforts in the community that concentrate on these kids. Of course, a funding agency representative easily can observe that operators of programs and evaluators would rather work on more manageable problems. This is only part of the story. There are no funding initiatives

mounted at the federal level to encourage interventions with aggressive kids inside or outside institutions. Without such, we can expect little progress.

Although this latter criticism is slowly changing with the recent federal initiative concerning the violent offender, the fact remains that precious few programs exist as resources for courts in their attempts to find viable solutions for violent youth.

Neithercutt's review is informative in many ways beyond the finding that there are few programs specifically designed for the violent offender. His exhaustive reading of program evaluations leads him generally to the conclusion that there may be a flaw in the notion that the least amount of intervention is desirable. In citing findings from the evaluation of the UDIS program in Illinois, the Bronx State Hospital program, and Elan in rural Maine, Neithercutt reports that fairly extensive (and costly) institutional intervention appears to have been somewhat successful. Unfortunately, in each of the examples given, there are deficiencies noted in the research design. Nevertheless, the general direction of findings suggests that the current emphasis on deinstitutionalization may not find justification in the program evaluation literature.

This point is most important in reviewing the UDIS evaluation in Illinois which is the only study which directly compared institutional and non-institutional treatments. The Unified Delinquency Intervention Services (UDIS) is described as a program to manage chronic delinquents effectively, without using state institutions. The program was designed as an intermediate intervention strategy, with both residential and non-residential components. The program has become the major focus for testing the value of deinstitutionalization.

The evaluation of the program's impact was conducted by Charles Murray and the American Institutes of Research. There has been no evaluation of a delinquency intervention program in the past decade which has

created such ongoing controversy. The reasons for the debate are both methodological and political. Murray found that the UDIS program did indeed impact the amount of criminality (measured by arrests) of the successful graduates of the program. Rather than assess success simply by counting the number of children who were re-arrested, Murray chose to measure the frequency and rapidity of subsequent arrests following termination from the program. Murray asserts that UDIS had, in fact, "suppressed" the misbehavior of its clients. The methodological issue which raged in academic circles had largely to do with the adequacy of the measurement of the "suppression effect"; was it real or simply a statistical artifact? The political debate, however, was more substantive in nature. Murray's second finding was that, by and large, the UDIS program was *no less costly* than traditional institutional placement and was slightly *less* effective in "suppressing" subsequent arrests. The critics claimed that such findings took the movement for deinstitutionalization of delinquents back to square one!

In the years following the original publication of the UDIS evaluation, Murray has appeared to have the upper hand in answering his critics. The study stands on its merit, and the findings have, in fact, slowed the acceleration of the deinstitutionalization movement. In commenting on this, Neithercutt points to the UDIS study as the best piece of research reviewed in his work. He also tempers the fears of those committed to deinstitutionalization by pointing out that the removal of youngsters from closed facilities in both Massachusetts and Pennsylvania has amply demonstrated that there is a place for community alternatives. It may not be the preferred solution in all instances, but the use of non-institutional intervention strategies cannot be discounted.

Finally, Neithercutt reports that evaluation research with regard to programs for violent delinquents is in a sorry state. With the exception of the UDIS study, very few of the evaluations he reviewed stood the test

of methodological rigor. This is, indeed, unfortunate, since it is only by systematically examining the impact of existing programs that we can hope to select between appropriate and inappropriate treatments. Neithercutt points to the rather dismal history of delinquency research when he conjectures about the failure to be more thorough in our research:

> Unless thoughtful and rigorous strategies to assess results accompany experimental programs, we will lose most of their value just as we learned little from the spate of streetworker projects in the 1950's. We could begin this by funding assessments of existing data bases with specific focus on the violent youth within them.

Happily, there is recent work, such as that presented by Snyder in this issue, which is beginning to move in the direction that Neithercutt has suggested.

How Can We Know If We're Making Progress?

The studies and reviews presented so far in this article have had two important points in common. First, they are largely discouraging in terms of our ability to be certain about prediction and treatment. Second, they have been consistent in their call for increasing the precision and accuracy of our technology to measure. While it is often said that the only point of research is to produce the need for more research, the pursuit of documented results and the development of tools to aid that pursuit are necessary goals for the field of juvenile justice. We simply cannot rely on changing values and good advertising to plan our response to youthful criminality. It serves no purpose for the youth or for the society which hopes to be safe from those youth.

David Farrington, presented earlier for his work with the Cambridge Youth Study, examines the difficulties in saying, with certainty, that an experimental treatment for offenders has had the expected effect. In a paper to be published later this year in **Crime and Justice** (Volume 4), Farrington argues for the use of experimental designs, including random placement of

youngsters in differential treatment groups. He suggests that in situations where an experimental treatment is not available to everyone, there is little lost in assigning youngsters to it in a random fashion, especially if there is uncertainty about the effect of the treatment.

Farrington presents a review of all criminal justice random experiments in the literature since 1957. In all, forty-two experiments were reviewed both for their method and findings. The number of studies presented is, perhaps, surprising especially since the majority of them were conducted in the United States.

Farrington recognizes that there are severe pragmatic problems with random experiments in criminal justice, but argues that the benefit to be gained far outweighs the difficulties. There is, in fact, no other method of experimentation which has a greater potential for producing certainty of results. If youngsters are randomly assigned to an experimental program, and if court administrators and judges do not violate the "randomness" of the placement, the outcome of the experimental group can be attributed to the experimental program with a very high degree of certainty.

Unfortunately, the arguments used by Farrington to justify random assignment are largely scientific, and do not take into account the legal principles of "individualized justice." There are many who would argue that the judge's responsibility to make a decision based on the facts presented in the particular case precludes his participation in a randomized assignment even if there is the potential for scientific progress. The relative merit of these countervailing principles of law and science will require careful attention before a decision can be made concerning the appropriateness of random assignment experimentation in the criminal justice system.

For the past two years, the National Center for Juvenile Justice has been involved in a project which brings together judges and researchers to examine the application of research principles in the juvenile court. The goal of the project is to establish a guide for the

measurement of effectiveness in the juvenile court and to provide a forum for discussions of issues such as those raised by Farrington. It is the basic assumption of the project that both researcher and juvenile court professional have an equal role to play in the development of studies examining the juvenile court. The work, which is still in progress, will hopefully provide the practitioner and the researcher with a useful tool to aid in the development of studies of effectiveness.

Methodological advances in the field of juvenile justice research are continuing, albeit at a slow pace. If the best of evaluative and basic research principles can be applied to the problems confronting the juvenile court, the future volumes of this publication are likely to be much more optimistic in outlook. Rather than concentrate on the amount we need to learn, attention can be focused on documented evidence of success and the means for transferring that success to other locations. The "art" of administering justice to children will never become a "science." It will, however, with careful attention to research become more rational, justifiable and predictable in its outcome. Our task is to continue to discover the truths, discredit the myths, and turn the hopes into realities.

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Issues for Resolution in the Eighties:

Family Courts and Retribution

Hunter Hurst

The fifties . . . They seem to have taken place on a sunny afternoon . . . A handsome young couple with two or three children, a station wagon, a large dog, a house and a summer house, a great deal of picnicking and camping together. The treasured child would do well in school, and the psychiatrist could be summoned for the troubled . . . The fifties passed in a dream.

But how real the sixties were . . . There is sadness and regret in memory of the sixties. The hallucinations of LSD, deformation by drugs that lingered on in apathy, addiction, aborted education, restlessness, death in Viet Nam, mutilation, bad dreams, the bad faith of corrupted authority . . . The questioning of unnecessary self-serving authority in the home and in institutions, the pure hopes of the civil rights movement, tolerance of deviation, concern for integrity, ridicule of the conspicuous consumption of redundant goods, assassinations. To look back on the sixties is to look straight into the scarred eye of life.

The seventies have passed. Did they take place somewhere else, in another land, inside the house, the head? Fatigue and recession, cold winters and expensive heat, resignations in disgrace . . . Things have settled down. Down is the key. Accommodation, docility, depression of spirit.

(Adapted from "Domestic Manners," Elizabeth Hardwick, DAEDALUS, Winter, 1978)

Family Courts: Alternative for the Eighties or Anachronism?

One legacy of the past three decades is growth in the amount of juvenile delinquency unequalled in the young history of this country. Irrespective of which count you choose to believe, you are forced to conclude that criminal law violations by youth between the ages of 10 and 18 increased dramatically between 1950 and 1980, and the growth between 1965 and 1975 was truly phenomenal. As Howard Snyder demonstrates in the first article in this book, the growth rate has abated in recent years, but the amount of juvenile crime remains intolerably high. Why? Among the reasons cited by serious students of delinquency causation are: social deprivation, emotional deprivation, ineffective rehabilitation, inadequate education, learning disabilities, excessive social labeling and mislabeling, arbitrary assertion of authority by the parent and the state, permissiveness, racism, classism, overstimulation from the communications media, substance abuse, failure of religious institutions to keep pace with a dynamically-changing society, anomie, differential association, poor diet, and disintegration of the nuclear family.

For every proponent of a theory, there is an opponent, except in one instance, and that concerns the contribution of family to delinquency. All agree—and have agreed over the past thirty years—that the failure of the family is intimately tied to the increase in juvenile delinquency. Consequently, it came as no surprise, when the National Advisory Committee for Juvenile Justice and Delinquency Prevention issued its Standards for the administration of juvenile justice last year, that they recommended the establishment of family courts, as has virtually every national body concerned with juvenile crime in the past twenty years. Are family courts, though, an alternative form of court organization with contemporary relevance?

The first family court in the United States was reputedly established in Cincinnati, Ohio, in 1914,

but the idea did not gain momentum until the fifties, which saw the concept adopted in a few communities such as Biloxi, Mississippi, and Baton Rouge, Louisiana, to be followed in the early sixties by Rhode Island, Delaware, New York, Hawaii, and the District of Columbia. But at that point, the family court movement came to an abrupt halt. The only states implementing the idea since the early sixties have been Pennsylvania and, later, South Carolina.

The underlying premise of family courts is quite simple; perhaps too simple. It assumes, among other things, that the family is the basic unit of socialization in our society, and that families in conflict—like children in conflict—need to be protected and restored as permanent, law-abiding entities. They require help in order to maintain their status as the basic unit of society.

But even as the creation of family courts is advocated by such bodies as the National Advisory Committee, the validity of the premise underlying these special courts is being questioned. And the questioning began at about the same time similar questioning began in regard to the juvenile courts. This questioning of these two social institutions is directly related to increasing concern about the value of the traditional family.

The type of family which served as a model for the concept of family courts—man and woman living in state-sanctioned marriage, man as primary wage earner and strong patriarch, woman as home-manager and child-rearer—has been in decline during the last two decades. Less than 10 percent of household units now resemble this classical model. Recognizing that it would be unwise to confuse the issue of what is legally permissible for the state-authorized surrogate "parent" (e.g., family court judge) and the head of the household in a family unit, the carving and sculpting by the judicial and legislative branches of government on courts of juvenile and family jurisdiction bear strong resemblance to the surgery that has been performed by these two branches of government on the basic family unit.

Even as the number of traditional families has

dwindled, so has our faith in its worth. We see the family today less as a valuable social institution, and more as a relic deserving condemnation. Today, we view the family as oppressive, and parents as instruments of arbitrary authority over their children, or as being distant and neglectful. Families are defunct of energy and wisdom.

Not too long after the Supreme Court had severely limited the authority of juvenile and family court judges to conduct informal, non-adversarial proceedings to determine what was in the best interest of the youth charged with delinquency, it also told parents that they had no authority to keep their fourteen-year-old daughters from having abortions. Even as these decisions were being made, the prestigious American Bar Association Joint Commission on Juvenile Justice Standards was adopting standards that would permit *children of any age* to consent to medical services for conditions related to alcohol, drug abuse, addiction, venereal disease, contraception, and pregnancy without notifying parents. This same Commission was also recommending that state laws requiring children to obey the legal commands of their parents be abolished, and that children be permitted to live where they please and to choose their own lifestyle.

The pre-fifties' family appears as dead as the proverbial doornail. The allocation of power and responsibility is no longer the exclusive domain of the father. Children are not only seen and heard these days; they also have legal authority to make life and death decisions. Mother is less the primary source of nurture and care, housekeeper and bookkeeper, and more a party to a contract with equal rights and privileges. No-fault divorce is one of our proudest achievements of the past decade.

How sound can it be to implement a concept in the eighties, born in the sunshine of the fifties? Barring a rediscovery of the joy and value of the traditional family unit, or a rethinking of the basic assumptions underlying the concept of family courts, the answer must be:

"Not very."

All of this notwithstanding, at least four legislatures are currently debating proposals for implementation of family courts, and the number is sure to grow as we intensify the search for reasonable solutions to the control of juvenile delinquency. So perhaps it is time to subject the concept of the family court and its 1950's roots to serious cross-examination. Since the purpose of family courts, as originally envisioned, was to protect and safeguard family life in general and family units in particular, we might begin with a simple question like "What is a family?" and move on to tougher ones such as "What would we have it be?" and "Do we want family courts designed to accommodate the present form of the family, or to assist in the rebirth of a family lost?" If we can answer such questions with certainty, family courts can become a relevant force in the prevention and control of delinquency.

Designing the most effective court to hear law violations of youth is only one of many issues requiring resolution as we enter the decade of the eighties.

The Revival of Retribution: Affirming Right and Denying Wrong

"The error of opinion may be tolerated where reason is left free to combat it."—Thomas Jefferson

If Mr. Jefferson could somehow survey this scene of juvenile justice today, I feel certain that he would plead eloquently for "reason." Public policy for our youth is sprouting from opinion like never before. Whether the opinions are coming from pollsters or charismatics, news media, wise-appearing scholars, kindly police chiefs, dignified judges, or zealous public interest groups, they all have a common message: fear of cruel treatment will deter youth from committing law violations. Of course, those who propose such measures are right. The recorded history of man proves beyond a reasonable doubt that, if we skin enough people, we can get them to march to any drummer we want.

The return to classical and punitive concepts is quickly

littering the field with reform casualties. The questioning of juvenile and family courts as the state's preferred forum for hearing serious delinquency matters is only the beginning. Rehabilitation as a strategy continues to be criticized by the politicians and the public for failing to win the war against delinquency, even though persons who work on the front lines in the field contend that the absence of resources has spawned the failure, and even though the research that is being used to condemn rehabilitation is not scientifically defensible.

The following observations on a few current trends growing out of this "get tough" mood are proffered with full cognizance of the fate awaiting those arrogant enough to engage in forecasting the future.

Rediscovery of the Reformatory

Efforts to reduce the numbers of youth institutionalized in this country have met with mixed results. The number of status offenders (truants, runaways, incorrigibles) detained in pre-trial secure detention facilities has dropped dramatically since implementation of the Juvenile Justice and Delinquency Prevention Act of 1974. Data reported to the National Center for Juvenile Justice's archive indicate an estimated 70 percent reduction in such detentions between 1975 and 1979, a truly remarkable decline.

On the other hand, the use of the least restrictive alternative as a principle to guide disposition of juvenile delinquency cases involving a criminal law violation is dead. This hopeful experiment began with Massachusetts' attempt in the early seventies to remove all delinquent children from all state institutions. Ten years after the fact, Massachusetts is planning to increase its capacity of maximum security beds for delinquents to 300. At the beginning of the decade, almost every state had a training school (a large, congregate facility closed to outside access, but featuring very little in the way of physical security), but few states had maximum security facilities for youth. By the end of the decade, virtually every populous state had at least one institution for delinquents

that could properly be described as a maximum security facility.

Youthful Offender Laws

Some state legislatures, recognizing that age is an imperfect indicator of maturation or competence, but feeling the need to make it possible to restrain youth who commit egregious offenses for longer periods of time than present statutes permit, will rediscover youthful offender laws. Such statutes make it possible to restrain juveniles beyond their minority without sentencing them to adult prisons. California and New York have had considerable experience with such statutes. States contemplating such laws may be well advised to review documentation from those two states which addresses the potential of such statutes to control youthful crime.

Actuarial Sentencing

The empiricists who helped insurance companies figure out, many years ago, when each of us was going to "croak" and, subsequently, enabled such companies to become financially solid as a rock by helping us control our fear of death, have been banging around the corners of the juvenile justice system for some time now. They will make a full entry in the eighties and have great success in convincing legislatures that they can conquer our fear of crime just as they conquered our fear of death. They will propose to predict, from among those who have committed a crime, who are going to commit future crimes, and to prevent such acts by locking up those persons for the duration of their crime-prone years.

In fact, actuarial predictions have been used for some time now in a number of states to assist in identifying who can be released without increasing the risk to society. But release authorities have a tendency to use such procedures to identify who must be kept in, rather than to identify those who can be released early. There

is no reason to believe that sentencing authorities will act any differently. The most predictable outcome of this envisioned circumstance is a much larger tax bill for everyone.

Determinate Sanctions

This classic and fetching notion, proposed by the American Bar Association Joint Commission on Standards as a means of limiting judicial discretion and bringing about more proportionality and just desserts in the sanctions process, has gone awry. The idea is not a new one, and has long been a part of our criminal process. In its simplest form, it means that the judge is limited to a minimum and a maximum number of years to which he may sentence a given offender for a given offense; e.g., burglary will get you two to five (years). The "get tough" public mood and the concern with the unfairness of disparate sentencing practices are combining to produce legislation that goes beyond determinate sanctions to fixed sentences, e.g., felony theft involving the use of a hand gun will get you ten (years).

Development of a fair and just fixed sentencing scheme necessitates an enormous amount of work on seriousness scaling—work which will give discrete dimension to those factors which determine the seriousness of a crime, such as the degree of premeditation, the degree of injury, the age of the victim, the intent of the perpetrator, etc.—work which has not been done. Consequently, the application of fixed sentences must sooner or later confront that part of law and tradition that makes provision for aggravating and mitigating circumstances.

We may find that the cure is worse than the illness. Legislative guides that seek to bring about more fairness in the imposition of dispositions for youth who violate the law are commendable; however, statutes that would legislatively sentence large classes of youth on the basis of offense only—making inadequate provision for variation in quality or conditions of offense and prior history

or present circumstance of the person—should be viewed with healthy skepticism.

Due Process—Generally

The child liberators will discover in the eighties that an inevitable outcome of the pursuit of individual freedoms is the confrontation of responsibility. This time, the responsibility that is being urged for children is "criminal responsibility." For those who doubt that most persons under age 18 are fully competent to function independently in our society, and who are certain that such youth will be unmercifully mutilated when committed to the prisons of this country, the movement to subject children who commit criminal law violations to criminal process is especially frightening.

It is no secret that the most embarrassing imperfection of our criminal justice system is its tendency to penalize the poor. Children are not only poor; they don't even have the legal right to own property; nor will they obtain it soon. The impact of this condition on justice for children is mitigated somewhat by the juvenile court concept, which requires the court to protect the best interest of the child as well as to protect society. Criminal courts have no such mandate. Even if they had, 90 percent of the criminal court cases in this country are plea-bargained by the prosecutor and defender. In practice, this often means "by the prosecutor only" for those without property or the right thereto. The prosecutor has a single mission—to prosecute the guilty—a mission hardly consistent with that noble ideal of allotting every man (child) his due.

Confidentiality

This treasured value of the juvenile justice system is in for hard times in the eighties. The need to be able to identify the chronic criminal offender before he has retired and to assure the taxpayer that courts of juvenile and family jurisdiction are behaving responsibly is likely to completely knock out confidentiality as it has been applied traditionally to delinquency proceedings. We

are beginning to realize that public acceptance and support are essential for the survival of all social institutions including courts of juvenile and family jurisdiction.

Delinquency Prevention

More promising efforts, aimed at understanding how some children succeed against the odds in growing up free of criminality, are receiving too little attention. We have known for a long time that being poor, being minority, and living in the inner-city increase the risk of criminal involvement. Yet, clearly, most poor people, most minorities, and most inner-city children do not grow up to be criminals. It has only recently occurred to us, though, that it may be as enlightening to examine what contributes to success against the odds as to pursue what contributes to dysfunction. Research to understand the development of positive social adaptation, especially social adaptation in situations that are predictive of criminality, is beginning to take shape. But far more interest in this area is needed than can be foreseen.

As cited by Gable and Brown in "Positive Outcomes: A New Approach to Delinquency Research," Murphy observed more than twenty years ago:

> It is something of a paradox that a nation which has exulted in its rapid expansion and its scientific-technological achievements, should have developed in its studies of childhood a vast "problem" literature: a literature often expressing adjustment difficulties, social failures, blocked potential and defeat.
>
> . . . In applying clinical ways of thinking formulated out of experience with broken adults, we were slow to see how the language of adequacy to meet life's challenges could become the subject matter of psychological science. Thus, there are thousands of studies of maladjustment for each one that deals directly with the ways of managing life's problems with personal strength and adequacy.

. . . We know that there are devices for correcting, bypassing or overcoming threats, but for the most part these have not been directly studied.

Postscript

Upon re-reading what I have just written, I find the aura more pessimistic than intended. My goal was to identify and present some issues that pose hurdles to be overcome en route to an improved system of juvenile justice. I feel certain that we are making progress and that the improved system will begin to emerge in this decade. To the degree that our proposals for change are *well-reasoned*, the realization of better methods of controlling juvenile delinquency will surely be forthcoming. But, for some reason, H. L. Mencken's words from an earlier generation seem timely just now: "There is always an easy solution to every human problem: neat, plausible, and wrong."

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Foreword

We are privileged to present Volume II of TODAY'S DELINQUENT. The first edition met and exceeded our hope for it to become a useful resource for those who are interested in the problem of juvenile delinquency.

Much of the content for this issue was drawn from a research symposium on the serious juvenile offender, sponsored by the Training Division of the National Council of Juvenile and Family Court Judges and the National Institute of Juvenile Justice and Delinquency Prevention, within the Office of Juvenile Justice and Delinquency Prevention. The able cooperation and assistance of these groups is gratefully acknowledged.

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Preface

The past two decades have made it apparent that the laudable principle of *Best Interests of the Child* can no longer continue as the controlling principle for youth who commit egregious offenses against society. Public protection, requirements for fairness in administering sanctions, and reparation of victim loss, to mention a few, have emerged as substantive values competing for primacy in cases involving youth charged with serious crime. At the same time, the juvenile court's founding concept of *individualized justice* has become more important than ever, as the need to accurately distinguish the dangerous from the non-dangerous, the career offender from the occasional offender, and the person in need of protection from those requiring correction becomes more imperative. Thus this, the second volume of TODAY'S DELINQUENT, like Volume 1, focuses on the most serious crimes of youth.

Gable and McFall review significant research studies on serious juvenile crime but do not find the fresh truths they are seeking. They do unearth an abundance of crime correlates in the review of *cohort studies.* But correlates are poor substitutes for hard cause/effect relationships. In the study of criminal behavior, correlates are especially maddening because they are *look-alikes* and, consequently, easily mistaken for the real thing. This tendency, combined with our penchant for real truth about serious crime, has rendered research on the topic far more *artsy* than scientific. As reported by the authors, Lyle Shannon found a positive correlation between *severe sanctions and subsequent recidivism,* leading him to conclude that we should endeavor to avoid imposing sanctions altogether because sanctions are a secondary source of causation. Marvin Wolfgang found the same correlation and concluded that juvenile court sanctions do not prevent crime and, therefore, juveniles should be subjected to the same sanctions as adults. Donald West,

on finding a similar correlation, concluded that rehabilitative sanctions are effective for some offenders, and the need is to more closely match individual requirements for rehabilitation with treatment programs.

Who is right? Who is wrong? How could accomplished researchers reach such opposite conclusions from the same finding? Easy enough! All three succumb to the temptation to treat a *correlate* or *statistical predictor* of serious crime as a source of causation. Actually, none of the three researchers conducted a controlled experiment designed to study what effect varying the substance and form of sanctions may or may not have on the subsequent criminal behavior of offenders. Instead, they studied the official cumulative records of persons born in a given year, augmented in some instances by the opinions of those being studied. This type of research is a rich source of statistical correlates of crime and, as such, is quite valuable for predicting crime. The problem arises when predictors are confused with causes.

Snyder and Nimick identify the volume of serious crime that can be attributed to youth from official records and contrasts between urban and rural communities. Even though the numbers they report are merely descriptive and seek to test no hypothesis, they do raise some tantalizing questions.

Why are robbery rates twelve times as great for juveniles in the city as they are for juveniles in the country, when the rate differences in the other serious offenses are no where near that multiple? Can we really expect to impact crime by distributing resources on the basis of population? Do uniform legislative remedies, irrespective of their substance, make any sense when the dispersion of the problem is so unevenly concentrated? Why are rural youth less likely to follow the criminal patterns of adults than are urban youth? Does the now furiously-paced outward migration from the cities mean that tomorrow's country boys will be as criminal as their city counterparts? Or will the social influences of country life be equal to the task of producing social conformity for their new residents?

The foregoing represents just a few of the issues raised by the article. The authors also succeed in generally identifying the progress made during the last half decade in *deinstitutionalizing non-criminal law violators* and getting children out of jail. To no one's surprise, it is apparent from their data that, if the removal of juveniles from adult jails is to become a fully obtainable objective, rural communities will need some considerable assistance in developing alternatives.

Hunter Hurst

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What to do About Serious Delinquency:

Do Good? Do Bad? Do Nothing?

by Richard J. Gable and Patricia McFall

"The poor, the neglectful, and the vicious we shall have with us for a long time to come, and the hearts of the generous will continue to respond, both through individual and associate charity and through government action. There is ground for rational optimism, however, in the fact that, more and more, thought is added to kindness, and that, as surely as experience and study bring fresh truths to light, so surely does the intelligent sentiment of the community, sooner or later, compel their adoption."

—Homer Folks, The Care of Destitute, Neglected, and Delinquent Children (1902)

Introduction

The 'intelligent sentiment of the community' has been waiting for a long time for 'study and experience' to 'bring fresh truths to light'. Folks' optimistic statements in the dawning age of the juvenile court have gone largely unfulfilled; not for lack of experience and study, but rather because that experience and study has produced little fresh truth. Certainly, there have been truths, not many, but a few. What is distressing is the relative ease with which they were first discovered, and the frequency with which they have re-emerged in more sophisticated, oblique language as the elegance and cost of research have soared upward. The frustration lies not in the lack of 'truths', but rather in the lack of 'fresh truths'.

Within the past fifteen years, a major effort has been

mounted by public and private sources to better understand the workings of the juvenile justice system. In the more recent past, this effort has concentrated on developing, testing and implementing new ways of dealing with those delinquent youth who, for one reason or another, were seen as needing a more effective response from the juvenile justice system. That group of 'needy youngsters' has changed several times as interest and resources have shifted. We have been concerned with the poor, and later the neglected. We have spent considerable resources on those minor offenders who, perhaps, should be outside of our official responsibility.

Most recently, however, all eyes have focused on the 'vicious'...those youngsters who have struck fear in the lives of the citizenry, and who have created, by their acts, the demand for a more vigorous and effective response by the juvenile courts in this country.

The serious offender in the juvenile justice system has been of primary concern to the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) since the latest reauthorization of that agency in 1980. The amendments introduced by the Congress in 1980 directed the Office to concentrate on the serious and violent juvenile offender in its programs of research, training and technical assistance. The Congress, responding to the perceived desire of its constituency, required that OJJDP develop a plan to assist local communities in dealing with the growing problem of youth violence. Ironically, this initiative was taking place just at the time when serious juvenile crime was beginning to abate. Nevertheless, the direction of the major federal Office responsible for the juvenile justice system was set...violent and serious offenders were to be at the top of the list of concerns.

This is not to say that there was no research specialization focusing on this group of youngsters prior to the federal initiative. Indeed, reports by the Vera Institute, the Academy for Contemporary Problems, and, to a

lesser extent, the work of the Office of Juvenile Justice and Delinquency Prevention had examined policy and program efforts concerning this group of offenders.

What changed in 1980 was the tenor and urgency of the need for understanding and dealing more effectively with the problem. Almost overnight, the words "serious offender" and "youth violence" became mandatory keywords in the introductory paragraphs of proposals for federal assistance. The research community, as well as those involved in the training and technical assistance heeded the call and set off in search of 'fresh truths' about violent youth.

What resulted from this flurry of activity was a rapid shift in the "relative" importance of the study of violence as compared to other "needy youngsters." OJJDP worked diligently to develop a "Serious Offender Initiative" of the National Institute of Juvenile Justice and Delinquency Prevention, the research and training arm of the Office. Since it began, that initiative has spent nearly $5.5 million in research and demonstration projects focusing on the characteristics of and system responses to the serious offender.

Much of the existing knowledge upon which the serious offender research initiative was based came from the large "cohort studies" which had been conducted by Wolfgang, Hamparian, West and Farrington and, that most recently added by Shannon. These costly and time-consuming studies formed a foundation of 'natural observation' about the incidence and development of youthful criminal careers. It is axiomatic in the social sciences that long-term, longitudinal studies are the most complete source of information when attempting to generate new hypotheses about a problem. The cohort studies, therefore, are critical to our understanding of delinquency, and, in this instance, to the particular problem of serious criminal behavior by youth. Coincidently, they also serve to highlight the 'raison d'etre' of much of the research conducted in the past few years on the problem of serious juvenile crime. We have chosen to

examine them in some detail since they set the stage so well for the research findings which follow.

The Study of Delinquent Cohorts

A cohort is a group of persons having an event or characteristic in common, usually all of the individuals who were born in the same year. Cohort studies are longitudinal in nature. Instead of capturing an event which occurs at one point in time, they span years, giving a more complete picture of the members of the cohort.

The delinquency cohort studies provide basic information about the frequency and seriousness of various delinquent acts. This section compares relevant findings of four delinquency cohort studies, three done in the U.S., one in England.

Perhaps the best known and most widely cited of the cohort studies is Wolfgang, Figlio and Sellin's *Delinquency in a Birth Cohort* (1972), which examined the criminal careers of males born in 1945 and living in Philadelphia from their 10th to their 18th birthdays. The second cohort study, although cited as such is actually a 'sample' of a cohort, is entitled *The Violent Few* (1978) by Donna Hamparian. This study, conducted in Franklin County (Columbus, Ohio), included those males and females born in 1956 through 1960 *who had at least one juvenile arrest for a violent offense* and who had resided in the county from their 6th to 19th birthdays.

The most recent cohort study to be published, *Assessing the Relationship of Adult Criminal Careers to Juvenile Careers* (1982) by Lyle Shannon included three birth cohorts. Males and females born in 1942, 1949 and 1955 and having continuous residence in Racine, Wisconsin were followed into early adulthood. The fourth cohort study, conducted in a "traditionally British, urban, white, working class" London neighborhood, surveyed the delinquent behaviors of males born in 1954 and is known as the "Cambridge Study." It is reported in *Delinquency, Its Roots, Careers and Prospects* (1982) by D. J. West, and in a paper by David

Farrington, *Delinquency from 10 to 25.* (For descriptive information on the cohorts, see the following table.)

The Cohorts

	Wolfgang	Hamparian	Shannon	West
Who	Males	Males & Females w/1 arrest violence	Males & Females	Males
Where	Philadelphia	Columbus, OH	Racine, WI	London neighborhood
Birth Year	1945	1956-1960	1942, 1949, 1955	1953
Ages Followed	10 to 18	6 to 19	6 to 33, 26 or 21	8 to 25
# In Cohort	9945	1138	622, 1297, 2149	411
Unit of Count	officially recorded police contacts	official charge	recorded police contact	conviction
Sources of Data	police records juvenile court	police records juvenile court Ohio Youth Commission	police records juvenile court self reports interviews	central files self reports interviews
% Delinquent	35%	100%	44% (average)	20%
Serious Offenders				
% of cohort	13%	½ of 1% (est.)	12% (average)	8%
% of delinquents	37%	100%	NA	38%
Recidivists				
% of delinquents	54%	70%	51% (1955 cohort)	62%
Chronics				
% of delinquents	18%	30%	18% (1955 cohort)	17%
definition	5 or + police contacts	same	10 or + contacts	6 or + convictions
Chronically Violent				
% of delinquents	9%	less than 1%	5% (1955 cohort)	N/A

Although the cohorts differ in size, geographic location, birth year and composition, certain findings emerged which are common to all and which have implication for policy, especially for the serious or violent juvenile offender. We will examine these commonalities, and, where appropriate, point out contrasts in the findings which emerged. It is worth noting that a direct comparison across the studies must be done with great caution. Each of the studies developed a method which differs from the others. As such, **there are bound to be some differences in results directly attributable to the way in which the study was conducted. What is striking, however, is the consistency in findings in spite of the differences in method.**

FINDING: A SIGNIFICANT NUMBER OF EACH COHORT BECAME DELINQUENT.

The number of youngsters who will become delinquent before age 18 in a general population is estimated by the cohort researchers to be about one in three. This number varies depending on one's definition of "delinquency." Shannon, for example, defined delinquency as a contact with police for a wide range of offenses, including those contacts made purely on suspicion of wrongdoing. Using this definition, Shannon finds that, on the average, almost half of his cohort meets the definition for delinquency. Wolfgang, using police contacts for a narrower range of offenses finds that one in three of his cohort was delinquent before age 18. West and Farrington, who counted as delinquent only those youngsters convicted in a London court, found that one out of four youngsters in their cohort were "delinquent" by age 18. Regardless of the measure used, however, the cohort studies indicate that a substantial number of youngsters will come into official contact with law enforcement agencies during their youth. As we will examine shortly, most of those youngsters do not maintain this contact over time.

FINDING: A SMALL PERCENTAGE OF EACH COHORT'S MEMBERS WERE "SERIOUS" OR "VIOLENT" OFFENDERS.

Even though a significant number of youngsters in the cohort studies became "delinquents," a relatively small proportion were charged or prosecuted for serious offenses. Once again, differences in definitions and method eliminate the possibility of an exact comparison between the major cohort investigations. Nevertheless, the findings consistently show that fewer than one youngster in six will be charged with a serious offense before age eighteen. In fact, in the one study which defined serious delinquency as behavior which inflicted or threatened bodily harm (West and Farrington), less than eight percent of the cohort can be considered "serious offenders." When serious property crimes are added to this definition, as in other studies, the number of serious offenders doubles.

While the number of serious *offenders* may remain relatively small, the number of serious *offenses* attributed to the cohort is much larger. In both the Philadelphia and Wisconsin studies, about one fourth of all police contacts were for serious crime. This finding is often highlighted when examining careers of delinquent youth, since it verifies that a very small group of youngsters are responsible for a significant amount of crime. We will examine this finding more closely in a subsequent section.

The small number of the serious and especially violent offenders, has led some to argue that there really aren't enough youngsters to warrant special program efforts. As we shall see in the next section, this may in fact be the case. A more significant problem, however, is in the area of identification and prediction. Clearly, our ability to predict accurately decreases in relation to the size of the "target group." With a target that is only one in six (or less) there is significant opportunity to select incorrectly. As such, strategies for selective incapacitation based on prediction of subsequent behavior must recognize and justify the potential for choosing incorrectly. While it may be vitally important to define who

the serious offender is likely to be, it may require a degree of precision which is not yet available in the social sciences.

FINDING: A PATTERN OF CRIME SPECIALIZATION WAS NOT EVIDENT AMONG THE SERIOUS JUVENILE OFFENDERS.

In Columbus, Hamparian discovered the "incidental quality of violence" in the delinquent careers of the cohort. Of the serious offenders who committed more than one offense, nearly all of them committed more non-violent than violent offenses. Further, over 80% of all the members were arrested only once for a violent offense. Wolfgang also found that among violent offenders in the Philadelphia cohort, those reoffending were just as likely to commit a violent as a non-violent offense. Shannon concluded that there was an "absence of seriousness progression," that seriousness of police contacts did not increase as the number of contacts rose. In other words, the tenth offense was no more likely to be a violent one than was the fifth. Finally Farrington suggests that with law-violating behavior **"there is a small amount of specificity superimposed on a large amount of generality."** Each of the researchers discovered that juvenile misbehavior was sporadic and short-lived and that a significant amount of the offending never came to the attention of the courts.

FINDING: A SMALL NUMBER OF CHRONIC OFFENDERS PRODUCED A LARGE AMOUNT OF CRIME.

One of the most important findings from the cohort studies is that there is a small group of "hard-core" offenders who are responsible for a significant number of arrests. In all of the studies reviewed, the multiple offender group was small but extremely active. Although defined slightly differently in each of the studies, each cohort group produced one chronic offender for each fifteen to twenty members. This relatively small population of multiple offenders was responsible for more than half of the Philadelphia arrests and more than 80% of the non-traffic police

contacts in the Wisconsin study.

As noted in the previous section, these multiple offenders did not specialize in a particular type of criminal activity. As such, only a very small proportion of the group could be classified as chronically serious, or chronically violent offenders. The cohort studies demonstrate that less than two youngsters in a group of 100 are likely to have a significant history of serious property or violent crime. This number varies from one location to another, but is always an extremely small proportion of the original cohort.

The importance of understanding more about the chronic offender is not to be found in the size of the population, but rather in the amount of criminal behavior that this group introduces into the community. It is clear that this is the population about which there is so much concern. As before, however, the chance of the juvenile court correctly identifying these offenders is extremely remote. Since there is no identifiable pattern to their criminality, nor is there a clear set of pre-existing characteristics, the identifying factors remain very vague. It is only in observing their repeat offenses that we can see who they are. This unfortunately constitutes closing the door after the cows have departed the barn.

FINDING: SEVERE SANCTIONS APPEAR TO INCREASE RECIDIVISM.

Wolfgang stated "we cannot conclude...that dispositions afforded juvenile offenders are serving the purposes for which they were designed, i.e., the responses by the court and correctional systems do not impact on discouraging delinquent behavior." Not only did a greater proportion of the Philadelphia delinquents who received severe sanctions violate the law, they did so quickly and more seriously. Shannon also found an increase in the frequency and seriousness of misbehavior in the periods following the application of sanctions.

Farrington discovered that the general trend was toward an increase in deviant behavior and attitude

following the first finding of guilt. However the number of offenders in the study who were institutionalized was too small to permit an analysis of whether more severe sanctions produced greater deviance. Hamparian found that the time between arrests diminished dramatically after each commitment to detention or institution. She found that a commitment increased the speed with which an individual reoffended. Also the velocity of delinquent acts was accelerated by the more severe sanctions, i.e., institutionalization increased the velocity of next arrest, informal supervision retarded it most. These findings may suggest that, as Wolfgang concludes, the juvenile court does a good job of selecting hard-core offenders who persist in committing most of the crime, but may not be very effective in slowing them down. It may also be the case that there will always be a small group of "untouchable" youngsters for whom sanctions, rehabilitation efforts or attempts at control simply fail to have the desired outcome. To say that sanctions speed future offending behavior is roughly equivalent to saying that hospitals kill people because more deaths occur in hospitals than elsewhere. It is quite possible that the major lesson to be learned from this finding is that we are limited in our ability to control future behavior. If this be the case, the cohort studies will have provided us with a well-documented baseline of "anticipated failure" against which we can measure our progress. This may be unwelcome medicine for a public demanding better results; it may however, constitute the best we can, and should offer.

Perhaps one of the most interesting outcomes from three of the cohort studies reviewed here is found not in the data, but rather in the position the researcher has come to as a result of conducting the research. While none of the three (West, Wolfgang, and Shannon) are able to say unequivocally what we might do to reduce the incidence of serious law violations by youth, each has developed a position which can be inferred from his statements.

Donald West, in a recently published book which

appears to be his last word on the Cambridge study of youth development says:

> "Far from endorsing the gloomy conclusion that nothing works, or the ethically repugnant corollary that we might as well give up trying to help individuals, it is my view that the evidence points to certain types of intervention having a positive impact and suggests that certain methods of delivering help are to be preferred."

and

> "Another principle, in accord with current thinking, is the desirability of voluntary participation wherever possible. Social aid should be a privilege sought rather than an imposition reluctantly borne."

and

> "The suggestions made in this final chapter are hardly likely to prove popular. They run firmly counter both to the resurgent punitive ideology and to the strict non-interventionist stance....The policies favored in this book are far from novel. Some people might consider them wet, outworn, even reactionary. The only strong reason for believing that they could make a useful contribution is that so often in the past they have been mooted without being put into practice with sufficient determination or with adequate testing of their worth."

It is obvious that after almost two decades of following a cohort of delinquent boys from a working class neighborhood in London, West is led to the position that providing services in a traditional rehabilitation model is still the best approach to the problem. For him, "Doing Good" for delinquent youth remains the principal answer.

Marvin Wolfgang has watched his cohort grow to maturity in Philadelphia. Admittedly in a more crime-ridden area than West's London, the Philadelphia project brings Wolfgang to a substantially different position regarding the question of what to do. Wolfgang says:

> "...we must conclude that the juvenile justice

system, at its best, has no effect on the subsequent behavior of adolescent boys and, at its worst, has a deleterious effect on future behavior."

and

"At whatever age the chronic offender begins his fourth or fifth offense, he will commit further offenses with very high probabilities.... It may be, therefore, that if the severity of the sanction is proportionate to the gravity of the crime and to the cumulative history of serious crime, the sanction should be similar for chronic serious offenders whatever their age."

Wolfgang's view of the world of serious youth crime is one which stresses the need for a more strenuous response based, at least in part, on the severity of sanctions matching the gravity of the offending behavior. Wolfgang's position suggests that we might be more successful if we were to make a concerted effort to "Do Bad" to at least a select group of delinquent youngsters.

Finally, Lyle Shannon, who has observed the progress of his cohorts in Wisconsin, has come largely to the belief that any intervention is less desirable than no intervention. Espousing a conviction that labelling, with all its deleterious side effects, is at work in the early processing of youth misbehavior, he has come to a fairly strict non-interventionist position. Shannon says:

"What we found...with consistent regularity, was an increase in the frequency and seriousness of misbehavior in the periods following those in which sanctions were administered."

and

"The data shows that while most persons are troublesome at some time during their youth, few go on to careers in crime and to place a child in the troublesome category early in their careers may only result in treatment which maximizes the fulfillment of the prophesy."

and

"Consistent with the conclusion that street-level

handling by well-trained police officers is a desirable policy, we would also take the position that judicial non-intervention is equally wise."

Shannon favors the position expressed as : "Don't just do something...stand there." With all the choices of how to proceed before him, in most instances Shannon would argue for "Do Nothing."

There you have it! **More than fifty collective years of researcher involvement with more than 14,000 youngsters from communities around the world has led the three principal cohort investigators living today to vastly different conclusions regarding what we should do.**

It is said that one of the primary purposes for research is to enhance and inform debate. There is probably no clearer example of a research enterprise which has fulfilled that mission than that presented here. We, as the practitioner, policy-maker and interested citizen are left with the responsibility to carry on, both in our explorations and in making decisions based on the best information available today. If the only information available came from the cohort studies, a debate on "what to do" between West, Wolfgang and Shannon would be a very lively one indeed! Their respective positions of "Do Good," "Do Bad," "Do Nothing" do however, frame the issues which must be addressed if we are to effectively intervene with the serious juvenile offender.

Do Good, Do Bad, Do Nothing

There is no easy way to categorize the prevailing philosophy that underlies a research endeavor. The choice of the terms "Do Good," "Do Bad," "Do Nothing" are, assuredly, inadequate choices to give dimension to the predominant stance of a research project such as those to be presented. Nor are these simple terms intended to suggest the posture of the principal investigator. There is a little of each of these three choices in all of the research to be reviewed. That is not surprising, since most of us, to some extent or another, swing between

these positions when trying to develop our own position on what is to be done with serious juvenile offenders.

If the above qualifications represent what the terms do *not* mean, what is it that they do mean? Simply, they represent the major poles of a three-sided choice of action. They are the positions which are debated by the public, the legislature, and, on a case by case basis, the judge and probation officer when confronted by the necessity to respond to serious youthful behavior.

In the face-to-face decision-making process, the question of "WHAT TO DO" is very real. Should I try to "Do Good" for this youngster by providing services and support?...Would I be more effective if I were to "Do Bad" by disciplining and punishing?...Or is it sufficient (or even preferable) that I "Do Nothing?" The ultimate answer to this question is decided on the basis of reasoned judgment, experience, and our personal beliefs which are sometimes affected by research findings. As such, each of the three potential answers must be examined to develop the justification which either changes or supports personal belief. The trichotomy is admittedly crude, but the daily necessity of deciding between them is pressing and real.

The research projects which we have chosen to examine in the following sections have something to say about the potential benefit of doing good, bad or nothing. As noted above, we found in the cohort studies that there is no consensus among the research community which clearly favors one position over another. In fact, it was not the intention of *any* of the studies to develop support for a given choice of action. Rather, as is generally the case in the cautious world of research, the researcher is attempting only to examine the "potential" for a given course of action.

Should We Do Good?

The posing of this question is almost heretical in a system of juvenile justice which was founded on the notion of 'rescuing' delinquent youth by providing a wholesome environment in which healthy development

could occur. This remains the predominant theme of juvenile court processing to this day. It is not surprising, therefore, that the majority of research efforts to be reviewed are all examinations of more effective ways to "Do Good"...that is, to provide more adequate and effective remediation of delinquent behavior through the enhancement of a youth's character, personality, skills, opportunities, or perceptions of self. In this regard, we will concentrate on the work of Joseph Weis and his colleagues at the University of Washington, Robert Coates and Troy Armstrong at the University of Chicago, and the major violent offender initiative designed and evaluated by Jeffrey Fagan and his associates at the URSA Institute in San Francisco. What these research efforts have in common is their interest in providing more effective prevention and treatment services to a serious offender population.

The Prevention of Serious Delinquency

There is no program or policy endeavor which better typifies the idea of "Doing Good" than the recent attempts to prevent the onset of serious delinquency. **Prevention, in its purest form, involves the provision of services and other "good things" even prior to the identification of any misbehavior. As such, it is the ultimate form of "doing good."** That fact has not escaped the attention of those who question the prevention activities as a means of curtailing youth crime. Specifically, it has become the major issue in a struggle over the appropriate activities of the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice. Critics of the Office's past directions have argued that prevention, because of its "do good" basis, is not appropriately placed in a department of government which is primarily concerned with the prosecution of criminal activity. Rather, say the dissidents, prevention should be the responsibility of other branches of the government which are more directly concerned with providing for the social welfare of the

nation: the "Do Gooders" in government. The role of the Department of Justice is to provide for efficient and effective justice, not welfare.

Those on the other side of this argument state their case largely in terms of the legislation which created the mandate for the federal Office of Juvenile Justice and Delinquency Prevention. They point to the language of the enabling legislation which made clear the interest of the Congress in viewing prevention as an appropriate function of this Department of Justice agency. They further argue that prevention activities have not yet had a chance to prove their crime reducing capacity.

Central to the debate about the prevention of serious delinquency has been the work of Joseph Weis and his colleagues at the Center for Law and Justice of the University of Washington. The Center has, for the past six years, operated the National Center for the Assessment of Delinquent Behavior and its Prevention.

In a monograph entitled *The Prevention of Serious Delinquency: What to Do?*, published in 1981, Weis says:

> "This paper attempts to provide some answers regarding the *prevention* of juvenile delinquency in general, but more specifically of serious juvenile crime. It is informed and reaffirms an approach to reducing delinquency which emphasizes the social causation of delinquent behavior and the potential efficacy of prevention strategies implemented in the community, particularly those which target the major socializing institutions of family, school, peers, law, and neighborhood."

Weis presents a comprehensive review of the major theories of delinquent behavior, and, in conclusion, opts for a community-based, preclusive prevention strategy. In other words, the community should be enhanced so that serious delinquency can be reduced. For Weis, providing benefits to the community-at-large, rather than to a defined set of delinquents or pre-delinquents, represents the most economical and efficient mode of prevention.

The theoretical model which Weis chooses as a base

for his prevention strategy is an integration of two prevailing models of delinquency causation. The first, control theory, suggests that delinquent behavior can be reduced if those community resources which control a child's socialization are working properly. In this regard, the family and school are of utmost importance.

The second part of Weis' hybrid model comes from cultural deviance theory which asserts that delinquency will be reduced if the environment of the child is improved. The community, both as a crime prevention unit and as the major vehicle for transmitting social values, becomes the primary arena for prevention activity. In this portion of the Weis concept we find the only exception to the "Do Good" position of the initiative since cultural deviance theory implies not only enhancing *positive* community attributes, but also getting tough to reduce negative community influences. It is in this single portion of the theoretical framework that the Washington-based effort moves away from a pure positive enhancement model.

The two-part, theoretical framework proposed by Weis is combined in his "Social Development Model" which is the basis for all subsequent experimental activities. Two activities have resulted from Weis' Delinquency Prevention Research and Development Project, at the University of Washington. One is a school-based intervention experiment in six sites across the country, and the other is a large, comprehensive delinquency prevention project in Seattle. Both projects are, at this point, ongoing, and have only preliminary findings to report.

The School-Based Delinquency Prevention Project sites are: Bangor, Maine, Reading, Pennsylvania, Waterbury, Connecticut, West Palm Beach, Florida, Patterson, New Jersey, and New York City. In each of the six sites, randomly selected junior high school students are participating for a period of two years.

The program model for each of the test sites involves an application of the theoretical model to actual classroom and school environment conditions. As is true throughout the work conducted by the Unversity of

Washington group, the experiment is based on the theory and is evaluated according to the expected outcomes of the theoretical model. There is no question that Weis' work is the most theoretically well-founded of all of the major delinquency experiments now underway in this country. The academic rigor which has been added to the field by this team of researchers should serve as a model for others.

The cost of such theoretical precision is, unfortunately, an immensely complicated program of prevention and evaluation and has posed problems for Weis in gaining understanding and support from the practice community for the value of his work. **The complexity of the research project which arises from its theoretical rigor and evaluation requirements may well impair the implementation of the program of prevention.**

In the most unabashedly simplistic terms, the program model in each of the test schools involves activities which will increase the value of the school for youngsters who may not have found it to be a very helpful place to spend the majority of their time. This is accomplished by a wide variety of structural and curriculum changes which increase the options open to a student and decreases the size of the classroom unit in which those opportunities occur. In many ways, Weis' program probably resembles what we all envision as good education.

In a much more comprehensive and ambitious program, Weis has taken his Social Development Model to the streets and neighborhoods of Seattle. This second phase of the Delinquency Prevention Research and Development Project, known as the Comprehensive Delinquency Prevention Project, is designed to provide a much broader range of school and community interventions to a group of youngsters over a ten year period. In this phase, which began in 1981, 275 second graders and 500 eighth graders are provided with the whole range of activities earlier tested in the school program and an added set of community options designed to

involve the youngsters more positively in the community.

The Comprehensive Delinquency Prevention Project now underway in Seattle is a fine example of the academic approach to delinquency prevention. As previously noted the theoretical underpinnings of the work are well established and documented. The evaluation and design components are elegant and should withstand any academic scrutiny. The distressing part of the work lies in its reality base; that is, its understanding of the necessities and limitations of the real world of education and juvenile justice. Not only is the work difficult to understand, it will be very difficult to replicate in an environment which lacks the substantial external dollars available to Weis. Without significant investment of funds and energy by school districts and juvenile courts, the Delinquency Prevention Research and Development Project may become yet another academic exercise in delinquency prevention. It is incumbent upon the investigators to make the results most useful to the practice community.

The preliminary results from the first phase of this project have not yet been published. In a recent address, Weis suggested that there are measurable gains associated with the school-enhancement programs. He is optimistic that the program model has had a positive impact in preventing the delinquent behavior of the participants:

> "So far the Social Development Model seems to be holding its own. The data shows that you can differentiate very well between those kids who are highly involved (in this project) and those who are not highly involved, no matter what kind of crime you are talking about. The differences are dramatic between the two groups and they are significant."

It is likely that the debate will continue over the appropriate locus for prevention activities within the various departments of the government. The work of Weis sets the theoretical stage for advances in our understanding of prevention however that debate is resolved. The ultimate utility of the work, however, will

depend upon our ability to derive applications from the work which do not require the degree of financial involvement and academic sophistication required of the Research and Development project.

Doing Good in the Community

Since the inception of the Juvenile Justice and Delinquency Prevention Act in 1974, a recurrent theme has been that youth who are treated in a community setting will receive more benefit (or at least less harm) than their unfortunate counterparts who are removed to youth correctional facilities. While the understanding of community-based treatment has often become confused because of a lack of clarity regarding terms and definitions, the general premise has held sway thoughout the life of the current federal initiative. The recently completed evaluation of OJJDP's deinstitutionalization efforts for status offenders comments on the history of the federal initiative:

> "The Act was to encourage programs to divert minor juvenile offenders from formal and court processing, to substitute non-secure community-based facilities for secure confinement, and to assist in the development of local youth services that reabsorb delinquent youth into the normal life of the community."

The use of community-based alternatives was, and continues to be a practice of "doing good" for the minor offender which is supported by conventional wisdom. When it comes to the serious offender, however, all bets are off. **The goodness to be derived by the child from a community-based alternative is weighed, in every instance, by the potential danger to the community** and concern that the offender will not comprehend the gravity of his behavior. The question of doing good in this manner for serious offenders, therefore, remains a very tricky business.

Two researchers who have concentrated their focus on community alternatives are Robert Coates at the School

of Social Service Administration of the University of Chicago, and Troy Armstrong a private consultant who was also formerly associated with the University of Chicago. Both of these investigators have examined program models which appear to provide effective and safe community treatment for the serious offender. After examining a range of alternatives both are convinced that community-based programs can be used, under certain conditions, to provide more effective treatment resources for this population.

Robert Coates was involved in the study of alternatives to secure institutionalization in the state of Massachusetts following the closing of the Commonwealth's training schools at the height of the deinstitutionalization movement in the mid-seventies. He is a proponent not only of deinstitutionalization as a needed reform in the juvenile justice system, but, more importantly, of understanding how we shall select those youngsters who can benefit from a non-institutional alternative without undue danger to the community. **Coates' voice is one of cautious reason in a debate which is often fueled by fear and vengeance on the one side and on the other by a blind devotion to community treatment** unchecked by concern for safety and retribution.

In an article published in 1981, Coates proposes that the hub of this debate is the definition of the serious offender. (See Technical Note.) This often-sounded definitional concern takes on new meaning in Coates' argument, since he proposes policy implications which emanate directly from the definition. Specifically, Coates proposes the elimination of the concept of 'the serious offender' when considering the appropriateness of secure care. Instead, he argues, the issue is "dangerousness," a condition describing an offender with two or more life-threatening or life-injuring convictions. (Interestingly, as we shall see shortly, such a definition applies to very few individuals.)

The Coates proposal shifts the focus from serious to

dangerous, and provides more clarity in the selection of community versus closed treatment environments. The minor offender should be deinstitutionalized. The dangerous offender should, by and large, be held in a secure correctional setting. The large group in between are candidates for either choice, with Coates leaning heavily toward community alternatives.

Regardless of the correctional setting, Coates argues for a continuum of care which involves planning for integration into the community as a part of the treatment choice or upon return to the community. He is most interested in the social network: that set of community, family and peer influences which will affect the youngster when he is once again returned home. It is this sometimes intangible force which Coates believes may hold the most promise for successful rehabilitation. He makes an important point in underscoring the need for attention to the social network. Such thinking is not revolutionary, in fact it is one of the foremost principles of good casework. What is important in this context is that it is a point so easily lost in the battle over security, safety, punishment and treatment. As Coates suggests, it is a necessary concern for both secure and community-based treatment providers.

Troy Armstrong, along with his principal co-investigator David Altschuler, has examined the question of community-based alternatives from a slightly different perspective. In large measure they have set the question of classification of behavior aside and have looked instead at those components of successful programs which operate with the "serious offender." Their sample of programs contains youngsters who fall into that large 'middle category' described by Coates as being neither minor nor dangerous. The task for Armstrong and Altschuler was to determine what pieces of a program are necessary for a successful outcome.

Their study encompassed eleven programs, both residential and non-residential, which were identified as providing effective treatment services to serious juvenile offenders. They conducted extensive on-site

interviews and observations to gain an in-depth understanding of the programs' components. It is interesting to note that at the time of the study, all eleven programs were providing services to a total of just over 175 youngsters.

Compared to a traditional training school population, the selected programs appear to deal with youngsters who are younger in age but equally serious in their current behavior and past history. Contrary to widely held opinion, Armstrong and Altschuler found that programs were not overly restrictive in their selection criteria, with only one program rejecting a large number of referrals. In fact, over ninety percent of those referred were accepted by the programs.

What then makes these programs tick? Armstrong and Altschuler identify a number of organizational and therapeutic characteristics common to all or a subset of the programs visited, including a structured system of rewards and sanctions for behavior, a relatively well-developed scheme for using indigenous community resources, and a purposeful plan for reintegration, or at least follow-up, upon program termination. While these program components were at work in one form or another in most of the sites, the variation in the manner in which they were organized was quite extreme. Such a finding leads Armstrong to the conclusion that the individual program model is, perhaps, not so important as the purpose of the model. Programs have styles which develop in relation to staff philosophy, program funding sources and the needs of the defined client population. These styles are, in the final analysis, not so important to success as attention to the basic aims of the program.

Both the work of Coates and Armstrong support the contention that community-based alternatives may be appropriate means of "doing good" for and with the serious offender. While research conducted to date has been largely anthropological and descriptive, it provides a foundation for more extensive quantitative exploration to determine more precisely the effectiveness of this mode of treatment.

Treatment for the Violent Offender

When the general public thinks of the "serious offender," the image one generally finds is that of a violent youngster who is terrorizing the community. As such, much of the recent concern with "serious crime" has really been motivated by the fear of "violent crime." As has been pointed out earlier, "violent offenders" represent a small proportion of all delinquents. Nevertheless, they have become the focus of concern, not only for the public, but for the Office of Juvenile Justice and Delinquency Prevention as well. The question on the minds of all concerned has been whether the juvenile justice system has, or can develop the resources to effectively deal with this group. (Interestingly, the question is not usually posed in the alternative; that is, can the juvenile court deal more effectively than the criminal justice system with this group of offenders.)

A major effort to test the latest treatment strategies for violent offenders was launched by the Office of Juvenile Justice and Delinquency Prevention in 1981. Known as the Violent Juvenile Offender Project, the endeavor brought together three organizations to spearhead a treatment experiment in five sites across the country. The National Council on Crime and Delinquency has responsibility for the overall coordination of the project; the National Office on Social Responsibility provides technical assistance to project sites; and the URSA Institute designed and is evaluating the entire project. This triumverate has instituted a model of treatment intervention, as well as a strict set of eligibility requirements for violent juvenile offenders. The project has a true experimental design with eligible youngsters being assigned randomly to the project or to a control group consisting of traditional dispositional alternatives. The program is now implemented and operating in Newark, Boston, Memphis and Phoenix. The fifth site, Denver, was dropped after the initiation of the project.

Reports from the initial twelve months of project operation provide an interesting picture of the role of

the juvenile court with regard to the violent offender.

The most striking finding to date is that there simply aren't many youngsters coming to the juvenile court who meet the criteria established for defining a violent offender. In fact, the project has twice had to relax its entrance requirements in its attempt to develop a large enough sample of youngsters to conduct serious research. (See Technical Note for definition.) It was originally hoped that 150 violent offenders would be identified and studied over a thirty-six month period. Less than half that many had been admitted to the program in the first twelve months.

While this screening phenomenon has caused some embarrassment and considerable discussion, the project designers, headed by Jeff Fagan at the URSA Institute, have stood by their intentions to deal only with the most serious of the delinquent population. Says Fagan:

> "We did not want any kids in this program who are not truly violent...although we may have lost some kids who were truly violent, we certainly don't have any kids in the program who are not."

Once in the experiment, the youngsters chosen for the new treatment program are provided a wide range of diagnostic and treatment services which are accompanied by a complex and comprehensive evaluation design. The intent of the project is to make sure that the treatment occurs according to the model and to measure, very carefully, the impact of that model on the experimental group in relation to those receiving traditional dispositions.

While it is still too early to evaluate the outcome of the treatment program, Fagan and his colleagues have been able to cautiously provide some preliminary findings regarding the population selected for inclusion in the experiment. As reported in a recent issue of *Youth Forum*, Fagan describes the violent offender group as:

—Being predominately Black and (in Phoenix) Chicano;

—Having a wide variety of past offenses which were not violence-specific;

—Not being particularly emotionally disturbed; and
—Exhibiting behavior which is more the product of environmental factors (e.g., family criminality) than personal factors (e.g., attachment to parents).

In addition Fagan suggests that the quality of work experience for the youngster seems to be related to "blocking" violence, while the criminality of family is related to "promoting" violence.

The Violent Juvenile Offender Project is the most comprehensive, organized federal investigation ever mounted to examine our ability to intervene successfully with this menacing group of youngsters. It is, in fact, a study upon which much of the future of the juvenile justice system may ride. It is also, unfortunately, a study which focuses on an almost mythical population of delinquents who are making a much bigger name for themselves than they might deserve. It is, therefore, a venture which probably will end up being more important than it should be. This is not intended as a criticism or in any way to impune the motivations or the activities of the project. The study needs to be done, and to be done well. There is little doubt that this is occurring. What is distressing is that the study needs to be done largely for reasons which are political and misperceived, rather than because we are being truly threatened by hordes of violent juvenile predators. The value of the project is in what it can teach us about treating violent youth and not in generalizing from this minute group to the mass of youngsters now within the jurisdiction of the juvenile court. This should be the case regardless of the direction of the findings. It may be that a concentrated treatment effort will produce *better* results with a violent population than with a relatively less severe, but more disturbed population. If so, we are not in a position to say that we can do all simply because we have demonstrated our worthiness with the most challenging. **In any event, the Violent Juvenile Offender Project is a major milestone in the annals of juvenile justice research, the results of which**

should be well worth waiting for.

The choice to "Do Good" is being explored in a variety of settings and with a variety of methods. The results are not yet in. It is clear, however, that we have not yet given up on the idea that even serious youthful offenders can be positively influenced in a way that improves their lives and lessens the chance that they will return to inflict their misbehavior on us.

Should We Do Bad?

If there has been any observable trend in the field of juvenile justice over the past five years, it has certainly been the growing acceptance of the question of "Doing Bad" as a reasonable starting point for the development of law and policy. Not only has the question been posed, but in many instances it has been answered in the affirmative, with legislation that creates more sure and severe penalties for serious law violations by youth. (See, for example, John Hutzler's "Canon to the Left, Canon to the Right" in *Today's Delinquent, Vol. 1.*) The question is not generally asked so blatantly as "Should we do bad?," but rather in a more genteel manner such as "Should we hold youth more responsible for their actions?" There is, for us, no basic difference between those two semantic options. It is not necessarily bad to do bad. Instead, it is a choice of action which emphasizes the ability of society to make life less pleasant both to promote responsibility and to punish.

The Serious Offender Initiative of the Office of Juvenile Justice and Delinquency Prevention has built into its program plan at least one project which examines the option of "Doing Bad" to the serious juvenile offender. That work, conducted by Donna Hamparian and her colleagues at the Academy for Contemporary Problems, formerly in Columbus, Ohio, has examined the options for and the practice of hearing cases involving youth under the age of 18 in adult criminal court. We will examine that work in this section.

A second project, which does not fit as well in this section, is the work of the National Restitution Initiative which is evaluated by Peter Schneider and his colleagues at the Institute for Policy Analysis in Eugene, Oregon. The decision to include the restitution work under the heading of "Doing Bad" is made at some peril. **It is perhaps part of the reason for the ongoing support evidenced for restitution as a dispositional alternative that it fits so poorly into a categorization with "good" and "bad" poles.** On the one hand, restitution teaches responsibility, and, therefore is a therapeutic activity akin to those programs cited above. On the other hand, restitution requires the offender to make reparations for his misbehavior and is, therefore, a societal reaction which tends to make life less pleasant and, indeed, somewhat punitive. In the final analysis, the decision about placement in this chapter was dictated by the popular belief that restitution is a way in which an offender can "repay his debt," to the victim in particular, and to society in general. We will defend the decision, but will allow the reader to snip out the relevant paragraphs and repaste them in the preceding section as he sees fit.

Youth in Adult Courts

The work of Donna Hamparian and her associates at the Academy for Contemporary Problems was intended, primarily, to examine the mechanisms for and the practice of trying cases of youngsters under age 18 in the adult criminal court. Telephone surveys were conducted throughout the United States to determine the extent of criminal court activity with youth. In addition, a survey of state statutes was conducted to examine the mechanisms available for prosecuting youth in adult courts.

The study, *Youth In Adult Courts: Between Two Worlds*, is the first attempt to measure the extent of criminal court processing for all youth under age eighteen. This contribution is perhaps the most

significant and interesting part of the study. The findings will surprise some, principally those who believe that prosecuting youngsters in adult court in this country is part of our current attempt to get tough or to "Do Bad" to serious offenders.

In all, Hamparian concludes that more than 1,262,300 youth under the age of eighteen were processed in an adult court in the United States in 1978. While allowing that the survey method employed by the project probably missed some of the cases, the number, itself, is of some considerable interest. Not only is it large, it is only 6.6% fewer than the total delinquency and status offense cases estimated by the National Center for Juvenile Justice to have been processed by juvenile courts in 1978. It would appear that, for youth under the age of eighteen, the dual system of justice shares the business equally.

If this is the case, our problems are surely over. We have already established a system which can accommodate those youngsters for whom we have decided "Doing Bad" is the most appropriate alternative. The answer, however, is far from that simple.

Of the 1.26 million cases discovered by the Hamparian work, more than 1 million were for traffic and other minor offenses excluded from juvenile court jurisdiction. An additional 250,000 were 16- and 17-year-olds in states which exclude them from juvenile court jurisdiction.

What remains are approximately 13,000 youth who were prosecuted in adult courts because their behavior was of such gravity that juvenile court processing was rejected. Of these, the largest group (9000) were waived to the criminal court at the discretion of the juvenile court judge. In this subset, offenses against persons accounted for a minority of all cases sent to the criminal court. Judicially waived cases were comprised of 45% property cases, 32% person cases, 17% public order offenses and 6% other. Looking even more closely, Hamparian finds that violent person offenses account for less than one fourth of the total cases waived to the criminal court.

The findings indicate that although the 'adult' court is handling almost the same volume of youth as the juvenile court, the vast majority are relatively minor offenders, with only a handful of those serious offenders who cause so much concern. The results suggest that, as of 1978 at least, we were quite selective about the population with which we wanted to "Do Bad." **It is further apparent that the simplistic concept of "adult court" equating to "Doing Bad" is far from accurate.** While it was suggested earlier that this may be surprising to some, it surely is not to anyone who has spent more than a day sitting in a courtroom of general criminal jurisdiction.

Adult court prosecution of a select group of serious youthful offenders may be the appropriate answer. The Hamparian work has provided both a statistical description and has raised a number of issues requiring further investigation. The million dollar question, of course, has to do with the relative efficacy of the adult versus juvenile court alternative. Happily, Hamparian agrees that this is the important question and is now at work with the Community Research Forum in Cleveland tracking youth through both the adult court and correctional process to determine outcome. The results from that study are expected within the next two years. In the meantime, the Hamparian project has contributed to decreasing the notion that adult courts, by their nature, "Do Bad."

Paying for Your Crimes

The restitution initiative of the Office of Juvenile Justice and Delinquency Prevention has been one of the most successful and resilient efforts since the inception of the agency. It has earned the enthusiastic support of judges, community leaders, and treatment workers as well as the Congress. As noted above, perhaps one of the reasons for its continued popularity is its common sense notion that repaying one's debt is good for both the offender and society. Clearly, another attractive feature of restitution is its concern for the victim, until recently

the overlooked participant in the justice system.

The restitution initiative was begun as an alternative to incarceration with vestiges of the deinstitutionalization movement attached to its original purpose. It has, since that time, passed through a period in which it was seen as a viable general disposition of the court, without the need to be seen as an alternative. Most recently, it has, once again, followed the prevailing concerns and has been examined as a useful disposition for the serious offender. This tell-tale pattern is one which is oft-repeated in a government-sponsored program which changes horses as new ideas, Congressional mandates and administrations come and go. The observation is not offered as a criticism, but rather as a concern that the practitioner understand why a given action is sometimes represented as doing all things for all people.

The National Restitution Project involves 85 separate project sites throughout the United States. Since 1978, each of the sites has participated in an on-going program evaluation conducted by Peter Schneider and his colleagues at the Institute for Policy Analysis in Eugene, Oregon. Schneider has become one of the major national spokespersons for the Restitution Project and has analyzed a mass of data in an effort to determine the process and outcome of the initiative. In addition to a general monitoring function in all sites, the Schneider evaluation includes a true experimental design in six sites which allocates youngsters to either a restitution group or a traditional disposition on a random basis.

Recently, the data from the project have been examined to explore the use of restitution specifically with serious offenders. In the first two years of the project, 23% of the youth referred to the restitution program met the evaluator's definition of a serious offender. (See Technical Note for definition.) Of those 4,032 referrals, 93% were male, 68% were white, and 29% were not in school. The average age of the serious offender was almost sixteen years and the median family income was approximately $10,400. Of all those referred, 81% successfully completed the restitution requirements and

less than 15% committed another offense while in the restitution program. The program based on these preliminary data appears to be working well, at least with regard to its intention to provide compensation for the victim. It is interesting to note that the serious offender subset did not differ greatly from the general population of youngsters in the program with regard to completing the restitution program successfully.

Serious offenders appear to be almost as capable of meeting their repayment obligation as non-serious offenders.

In a separate analysis, Schneider examined a much smaller sample drawn from five of the experimental sites to determine if restitution was more successful than other dispositions regarding subsequent delinquent behavior. In this limited analysis Schneider concludes that there were no statistically significant differences between youth who were placed in the restitution program and those who received other dispositions. There were, however, a number of small variations which suggest that restitution may be more effective under some conditions than others. Specifically, Schneider found that youngsters for whom restitution is the only sanction imposed are less likely to commit a subsequent offense than youth who are also under the supervision of probation officers. One explanation for this seemingly illogical finding is that youth selected for restitution as a sole sanction may respond favorably because of the "trust" implied by the disposition. There is evidence in the social psychological literature which supports the idea that youngsters benefit from "positive labelling" and are more likely to meet their obligations in a responsible manner. A second plausible explanation is that the youth's misbehavior is more likely to be detected simply because the supervised youth is more closely watched by both probation officer and parents who know there is an external agent to whom they can turn for help.

A second finding of interest is that there are minor differences in outcomes for youngsters assigned to

separate restitution projects and those assigned to programs administered by probation departments. In terms of both recidivism and successful completion of restitution, the "separate program group" did significantly better. This suggests that a program which is designed specifically as a restitution alternative may be more capable of delivering that service in a successful fashion.

Schneider is currently conducting a more detailed analysis which may provide further insight and explanation for the findings. **It is clear that restitution is a promising prospect in the menu of approaches to the serious offender.** We hope that work will continue to specify which youth and which conditions are the most favorable for restitution to be successful. It is imperative that this sorting process be conducted, not only with this work, but with all innovative alternatives, so that we are led towards effective solutions rather than overpromising cure-alls.

Should We Do Nothing?

While perhaps unfortunate from a scientific point of view, it is somewhat encouraging that we are aware of no studies which have specifically attempted to do nothing with a serious delinquent population. The question, therefore, is posed not to set the stage for a review of research, but rather as a point around which to examine our progress to date. If the juvenile justice system is to proceed based on the results of the studies reviewed in the past forty pages, we may well be tempted to "do nothing." This is not to say that there is nothing to learn. Quite the contrary, the Serious Offender Initiative reviewed here is the most complete program of study ever mounted to set a course of action to combat serious juvenile crime. What is missing, however, are those 'fresh truths' with which we began this chapter. They are missing, in part, because we have looked at work in mid-stream, before the investigator has an opportunity to complete his research and offer his findings and their action implications. They are also

missing, however, because we are setting a standard for "truth" which may be beyond our grasp. In responding to the perceived crisis of "serious youth crime" we may have overshot the mark in two directions. First, as has been demonstrated many times over, we have magnified the dimension of the problem through misinformation and through our own spotlighting focus. **Any social problem will appear larger if there is significant attention paid to it.** Serious delinquency is a problem that deserves our attention. We must recognize, however, that all attempts to study and, hopefully remedy that problem will also make it appear larger.

Second, our zealous desire to develop 'fresh truths' may have led us to overpromise the potential of our study and our solutions. **In a world which experiences the fear of youth crime, we have a responsibility to accept and transmit the limits of our ability to control.** To do otherwise is not only fraudulent, but indeed, will lead to disrespect and rejection of that which we are able to accomplish. There will always be serious delinquency. Our task, in a rational environment, is to increase, perhaps by fractions, our ability to understand and respond effectively to it. The challenge is to remain modest in our claims and steadfast in our progress.

Technical Note

The debate over intervention strategies for the "violent, serious, dangerous, chronic, hardcore or habitual juvenile offender" eventually returns to a discussion of the definition of such an offender. By now, most researchers agree that the operational definition is two dimensional: not only must serious offenses be specified but some measure of the repetitiveness or chronicity of delinquent behavior must be present as well.

To determine the severity of an offense, Wolfgang developed a seriousness scale which measures the degree of seriousness within each offense category. The scale takes into account the number of victims of injury, weapon use and dollar value of stolen/damaged property. Schneider also combined the type of offense with monetary loss to produce a scale of offense seriousness from "very serious personal" to "victimless." Shannon used two measures of seriousness: number of police contacts and a score of weights based on the frequency of police contacts at six levels of seriousness. Still others have simply been very specific about the categories and types of offenses

selected.

Offenses defined as serious or violent by the researchers whose studies were discussed in the preceding chapter, include person as well as property crime in some cases. Only when the definition is restricted to offenses which threaten or harm is violence the determinant. Violent crime, then, is a subset of serious crime. Coates, Fagan and Hamparian limit their definitions to person offenses which are physically threatening or harmful. Other researchers include person crimes of a less serious nature and major property crimes in their definition, concluding that these offenses also pose a major threat to the community.

Agreeing on the definition of the chronicity of delinquent behavior which would qualify a candidate to be a serious offender is a further dilemma in deciphering what population of offenders the research initiatives are geared towards. While most agree that some pattern of violent behavior must be established in order to label an offender as violent, findings show that chronically violent delinquents are a small group indeed. In fact, Fagan's definition had to be expanded twice for lack of qualified candidates to the Violent Juvenile Offender Project.

The cohort studies established chronicity at 5 or more police contacts; chronically violent at 5 or more arrests for a violent crime. Researchers funded under the Serious Offender Initiative were much more systematic about their definitions of the serious or violent offender. Coates defined a "dangerous" offender as one with 2 or more adjudications for violent offenses. Schneider developed a definition of serious offenders based on *one* of the following: a referral to court for 1) a very serious personal offense, 2) a very serious property offense plus at least 2 priors, or 3) any offense plus at least 5 priors (not status offenses). Fagan defined a chronic violent offender as one who has been adjudicated for a violent "instant" offense *and* one of the following:

1. a prior adjudication for a violent offense plus those of non-vehicular manslaughter, felonious assault, robbery, mayhem or violent sexual abuse,
2. two petitions for any of the above offenses or
3. an adjudication for a serious property crime in the presence of a gun or knife or the offender needs to have one other petition for a violent offense. Serious property crime includes: larceny, theft (felony), motor vehicle theft, burglary, breaking and entering, extortion with threats of violence and arson (felony).

The table which follows provides an overview of the serious or violent offenses selected by each of the major research efforts. Whereas everyone included the violent offenses of murder, rape, robbery and aggravated assault, not all included property offenses. It appears that for intervention strategies, Schneider, Coates and Fagan defined a more aggressive offender in terms of physical violence. As Joan McDermott so aptly stated, "If the definition depends on its purposes, then the definition of 'serious' will vary according to treatment, research or legislative perspectives." From the discussion of the intervention approaches in the first chapter, it is clear that the researchers come from different perspectives.

What is a "Serious" or "Violent" Offense?

FBI's UCR Crime Index

"Serious Crime" encompasses the Part I Index Offenses of:

"Violent Crime Index" includes homicide, forcible rape, armed robbery, aggravated assault.

"Property Crime Index" includes burglary, larceny, Motor Vehicle Theft (MVT), arson.

Wolfgang

"Violent Crime" includes homicide, rape, robbery, purse snatch, aggravated assault and battery.

"Serious Property Crime" includes burglary, larceny, MVT.

Hamparian

"Violent Offenses" are:

murder, homicide, negligent homicide
rape/sex offenses, rape, sexual battery, sexual imposition, sodomy, molesting, incest
robbery, armed and unarmed robbery, strong armed and aggravated robbery, purse snatch, assault with intent to rob
assault, assault, assault & battery, simple and aggravated assault, assault with deadly weapon, intentional stabbing

Shannon

"Serious Offenses" include:

Felonies against person: homicide, sex offenses, robbery, assault, drug/narcotic offenses, escape, suicide.

Felonies against property: theft, burglary, MVT, forgery, fraud, violent property destruction.

Major misdemeanors: assault, robbery, narcotic/drug offenses, escape, burglary, theft, forgery, fraud, violent property destruction.

1980 Amendments to JJDP Act

"Serious Offenses" are:

homicide
forcible rape
robbery
aggravated assault
kidnapping
extortion with threats of violence
mayhem

Schneider

"Serious Offenses" are the FBI's Part I Index Offenses.

"Very Serious Personal Offenses" include: murder, rape, armed robbery, aggravated assault, [illegible] armed robbery, and non-[illegible] aggravated assault with losses over $250.

Coates

"Dangerous" or "Violent Offenses" are those which have some form of physical violence against another person (e.g., aggravated battery, armed robbery, murder).

Fagan

"Violent Offenses" are:

first and second degree murder
forcible rape/sodomy
armed robbery
aggravated assault
  with deadly weapon or injury
kidnapping
attempted murder
attempted rape
arson of occupied building

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City Delinquents and Their Country Cousins:

A Description of Juvenile Delinquency in Metropolitan and Nonmetropolitan Areas

Howard N. Snyder and Ellen H. Nimick

During the past two decades the growth of crime has dwarfed most other domestic concerns. City dwellers live with the fear of crime; they plan their daily activities to reduce their chances of becoming victims. Residents of suburban and rural areas feel they are sheltered from the violence that exists in our major cities. When a serious crime occurs in rural areas, the reaction is often shock or disbelief. When similar crimes occur in an urban area, the reaction is less severe since crime and cities seem to go together naturally. In many ways these are valid responses for there are real differences in the volume and seriousness of crime in urban and rural areas.

The reasons for these differences can be found in the characteristics of the communities and their people (e.g., Jankovic, Green, and Cronk, 1980; Laub and Hindelang, 1980). The city is a densely populated area that experiences rapid social change, with a high reliance on the formal mechanisms of social control (e.g., the police, the courts). The people of the city are transient; they are diverse in income, education, culture, religion, values, and norms; and they share feelings of alienation and anonymity. In contrast, rural America is sparsely populated, experiences social change slowly, and relies on the social controls provided by closely knit families and the strong influence of the churches and schools. The population of rural areas is more stable; the people are more homogeneous in income and background; and

they share strong feelings of community. Scholars have explained the difference in crime rates between urban and rural areas using terms such as *economic deprivation, anonymity, norm and value conflict, alienation, criminal subculture, and system overload.*

This article will not attempt to prove the theories that have been advanced to explain community differences in juvenile crime. What it will do is closely examine the problem of juvenile crime in metropolitan and nonmetropolitan areas and compare the responses of their law enforcement and juvenile court systems to the extent that such measurement is possible from official records. The information presented will highlight community differences in juvenile crime and juvenile court processing that may have implications for procedures and programs designed to control delinquency in urban and rural areas.

The descriptions that follow are based on two national information resources: the Federal Bureau of Investigation's Uniform Crime Reports and the National Juvenile Court Data Archive developed and maintained by the National Center for Juvenile Justice. Unfortunately, these data resources do not provide information based on identical groupings of communities. The FBI Uniform Crime Reports divide the nation into three types of communities: Cities, Suburbs, and Rural Areas. The National Juvenile Court Data Archive divides the nation along county lines. Consequently, data from the juvenile court archive have been summarized into two categories: Metropolitan Counties and Nonmetropolitan Counties. Even though data from each source were summarized into different community groupings, each grouping enables us to compare and contrast communities that differ in their urban-rural character. (See the Technical Notes for a more complete description of the data and the community groupings.)

Community Differences in the Nature and Extent of Delinquency

Community Clearance Rates

Table 1 presents an analysis of the FBI's 1980 Uniform Crime Report data showing the percentage of crimes reported to police that were cleared by arrest. (A crime is cleared when a law enforcement agency has identified the offender and has sufficient evidence to charge him and actually take him into custody.) The most reassuring information in Table 1 is that 44 percent of violent crimes[1] reported to police nationally were cleared by arrest. This average would be nearly 60 percent if the clearance rates for robbery were not so low (24 percent, or less than 1 in every 4 robberies). The most distressing news in the table is that the national

Percent of Serious Offenses Known to Police that Were Cleared by Arrest
(Abstracted from the 1980 FBI Uniform Crime Reports)

Table 1

	Type of Community			
Offense Charged	**Nation**	**Cities**	**Suburbs**	**Rural Areas**
Violent Crime	**44%**	**42%**	**49%**	**65%**
Murder	72	72	68	81
Forcible rape	49	48	50	62
Robbery	24	23	27	40
Aggravated assault	59	58	58	68
Serious Property Crime	**17%**	**17%**	**16%**	**17%**
Burglary	14	14	15	17
Larceny-theft	18	19	16	15
Motor vehicle theft	14	13	17	31
All Serious Crime	**19%**	**19%**	**18%**	**20%**

[1] *Throughout the paper to simplify the presentation of the material, offense categories often will be combined and discussed under a general category label. The category "Violent Crime" includes the offenses of murder/nonnegligent manslaughter, forcible rape, robbery, and aggravated assault. The category "Serious Property Crime" includes the offenses of larceny-theft, burglary, and motor vehicle theft. The category "Serious Crime" includes all violent and serious property crimes. When discussing the law-violating behaviors of juveniles, offenses are commonly divided into criminal offenses (those which would be a law violation if committed by an adult). The category "All Other Criminal Offenses" includes all other criminal law violations that do not fall within the violent crime or serious property crime categories. The category "Status Offenses" includes all status offenses (e.g., running away, ungovernability, truancy, and underage drinking).*

clearance rate for serious crime (the combination of violent and serious property crimes) is only 19 percent. That is, in 1980 only 2 in 10 serious crimes reported to law enforcement agencies resulted in arrest—not conviction or incarceration, but arrest. Since less than one-half of all serious crime is even reported to police (Shenk, 1981), this means that **someone is arrested for less than 1 of every 10 serious crimes committed.** If certainty of apprehension is a factor in crime control, and most serious students of crime would agree that it is, then we clearly have much work to do if we are to take advantage of this means of controlling crime.

Law enforcement agencies in rural areas cleared a substantially larger percentage of their violent crimes than did police in other areas. As Table 1 shows, 65 percent of violent crimes reported to police in rural areas were cleared by arrest, compared to 49 percent in the suburbs and only 42 percent in cities. In contrast, there was little difference between the clearance rates of serious property crime in cities and in rural communities. On the average, cities cleared 17 percent of these crimes, the suburbs cleared 16 percent, and the rural areas cleared 17 percent. However, rural police cleared a far greater proportion of motor vehicle thefts; thirty-one percent of motor vehicle thefts in rural areas were cleared by arrest compared to only 13 percent in cities.

It is not surprising that law enforcement agencies in rural areas cleared more violent crimes than their city counterparts. The smaller number of violent crimes in rural areas allows local authorities to concentrate their efforts on the crimes that do occur. Victims are also more likely to know or recognize their attacker in rural areas where the population is smaller. Finally, investigations by law enforcement receive more community support in rural areas.

In summary, the data clearly show that:

—**persons who committed violent crimes were much more likely to be apprehended than persons who**

committed serious property offenses,

—violent crime clearance rates were substantially higher in rural areas, and

—serious property crime clearance rates were similar in all types of communities.

Juvenile Crime as a Proportion of All Serious Crime

In recent years whether listening to the campaign speeches of politicians or reading news magazines, you have probably encountered alarming reports of the amount of crime (especially serious crime) committed by juveniles. More often than not, commentators base their statements on FBI arrest statistics. For example, they might read in the 1980 Uniform Crime Reports that 2 out of every 10 individuals arrested for a violent crime and 4 of every 10 arrested for a serious property crime were juveniles, and conclude that juveniles are responsible for 20 percent of the violent crimes and 40 percent of the serious property crimes committed nationwide. This is an incorrect conclusion to draw from these data and has led to a distorted perception of the actual contribution of juveniles to serious crime.

Arrest statistics measure the flow of individuals into the justice system, not the volume of crime committed by any particular group within our society. When arrest statistics are used as a measure of the proportion of crime committed by juveniles, the result will almost certainly be an overestimate. One reason is that juveniles are more likely than adults to commit crimes in groups (Greenwood, Petersilia, and Zimring, 1980). Assume two homes are burglarized, in one instance by a group of 3 juveniles and in the other by a lone adult. The arrests of the 3 juveniles would result in the clearance of a single reported offense, as would the arrest of the single adult. If arrest statistics, rather than clearance data, are used as indicators of the proportion of crime committed by juveniles, one would mistakenly conclude that juveniles committed 3 out of 4, or 75 percent, of the burglaries, when in fact, the three juveniles were responsible for

only one half of the burglaries. Clearance data, however, would accurately reflect the relative contribution of juveniles and adults. Therefore when analyzing the juvenile contribution to the total crime problem, the proportion of reported crimes cleared by juvenile arrest, and not the proportion of arrests that are juvenile arrests, is the preferred measure.

Table 2 shows the percentage of serious crimes cleared by juvenile arrests in 1980. (The FBI reports clearance rates only for violent and serious property crimes.) Comparing arrest statistics discussed earlier with the data presented in Table 2, it is clear that arrest figures exaggerate the responsibility of juveniles for serious crime, especially for violent crime. Juvenile arrests resulted in the clearance of 1 in 10 of all violent crimes cleared and 3 in 10 of all serious property crimes cleared.

Percent of Serious Offenses Cleared that Were Attributed to Juveniles
(Abstracted from the 1980 FBI Uniform Crime Reports)

Table 2

	Type of Community			
Offense Charged	**Nation**	**Cities**	**Suburbs**	**Rural Areas**
Violent Crime	**11%**	**12%**	**11%**	**6%**
Murder	5	5	6	5
Forcible rape	9	10	8	8
Robbery	16	16	18	11
Aggravated assault	10	10	10	6
Serious Property Crime	**28%**	**29%**	**27%**	**23%**
Burglary	29	29	30	27
Larceny-theft	28	29	26	20
Motor vehicle theft	24	25	23	22
All Serious Crime	**24%**	**25%**	**24%**	**19%**

Overall 1 out of 4 serious crimes cleared in 1980 was cleared by the arrest of a person under the age of 18. These proportions are substantially lower than those developed using arrest statistics from which most of the public, and many policy-makers, derive their impression of the contribution of juveniles to the nation's serious crime problem.

No one can dismiss the juvenile contribution to violent crime as inconsequential; but **if we were to lock up all 60 million persons under the age of 18 today, the number of murders committed tomorrow would drop by only 5 percent, the number of rapes by 9 percent, the number of robberies by 16 percent, and the number of aggravated assaults by 10 percent.** Juvenile crime is, and should be, a major social concern, but it is imperative that each of us develop an accurate understanding of the scope of the problem. Misinformation about the dimensions of juvenile crime is currently a formidable barrier to the development of a coherent response.

There was virtually no difference between the proportional contributions of juveniles to the serious crime problem in cities and suburban areas. But juveniles in rural areas were responsible for a much smaller proportion of their community's serious crimes than their more urban counterparts. In 1980 juveniles were responsible for 25 percent of all serious crimes cleared in cities and 24 percent of those in suburban areas, but they accounted for only 19 percent of the serious crimes cleared in rural areas. This contrast is particularly noticeable in the category of violent crime. Juveniles were responsible for 12 percent of all violent crimes cleared in cities and for 11 percent in the suburbs, compared to only 6 percent in rural areas.

Juvenile Clearance Rates

The preceding section compares the *proportions* of urban and rural crime attributable to juveniles and adults living in the same areas. Another way of examining community variations in the juvenile crime problem is to compare the *rates* of juvenile crime in different areas. Since cities have a much larger youth population, they naturally have more juvenile crimes than rural communities; comparisons of the *volume* of juvenile crime in urban and rural areas tells us little more than this. But the effect of population differences between

communities can be controlled by calculating community clearance *rates*, the number of crimes cleared per 100,000 youth in the community. For example, if the juvenile population of a city is 10 times greater than a nearby rural area and there are also 10 times as many serious crimes cleared by juvenile arrests in the city as there are in the rural area, then the rate of juvenile clearances will be the same in both areas. However, if the city has 20 times the number of serious crimes cleared by juvenile arrest, then the city's clearance rate will be twice that of the rural area. The higher rate would indicate that juveniles in the city are more criminally active, committing more serious crimes than a similar number of juveniles in the rural areas. The concept of clearance rates permits comparison between areas with vastly different juvenile populations. The rates of juvenile crime based on the number of juvenile clearances and the area's youth population were calculated and are found in Table 3.

The data show that juveniles in cities were more criminally active than were juveniles in suburban and rural areas. The rates in cities were consistently and

Rate* of Serious Offenses Cleared by Juvenile Arrest *(Abstracted from the 1980 FBI Uniform Crime Reports)*

Table 3

	Type of Community			
Offense Charged	**Nation**	**Cities**	**Suburbs**	**Rural Areas**
Violent Crime	**208**	**258**	**157**	**56**
Murder	3	3	2	2
Forcible rape	12	14	10	6
Robbery	66	88	40	7
Aggravated assault	126	154	105	41
Serious Property Crime	**1803**	**2216**	**1297**	**625**
Burglary	514	575	488	281
Larceny-theft	1206	1495	712	272
Motor vehicle theft	127	149	96	71
All Serious Crime	**2014**	**2476**	**1451**	**863**

*Rate is defined as the number of offenses cleared by the arrest of a juvenile per 100,000 youth 10 through 17 years of age living in the area.

considerably higher than the rates in the suburbs, and suburban rates were similarily higher than rural rates. The juvenile rate of serious crime in the cities was 3 times, and in suburbs nearly twice, the rate in rural areas. The ratios were even higher for violent crime. Juveniles in the cities committed violent crimes at a rate 5 times greater than juveniles in rural areas, while in the suburbs the rate was 3 times greater than in rural areas. It is worth noting that the rate of robberies by juveniles in cities was 12 times greater than in rural areas. Even though the city provides more opportunities for robbery, a twelve-fold difference in the juvenile robbery rates between cities and rural areas highlights the greater criminal activity of juveniles living in cities. The higher juvenile crime rates in cities may result from a number of factors. It may be that a larger percentage of urban juveniles commit serious delinquent acts, or it may be that juveniles living in cities who commit serious crimes do so more frequently, or possibly the higher rates are the result of a combination of both factors. The structure of the FBI data prohibits investigation of these issues, but the juvenile court data which will be discussed later can shed some light on these questions.

Clearly the magnitude of the juvenile crime problem is greatest in urban areas. The FBI's Uniform Crime Reports show that **juveniles in urban areas accounted for a larger proportion of the community's serious crime problem, committed serious crimes at a greater rate, and comprised a larger proportion of arrests than those in suburban and rural areas.** In 1980, 58 percent of all juveniles arrested were referred to a juvenile court for disposition. The following sections will describe the types of cases that were sent to juvenile courts, not only by police but also by parents, schools, and social agencies, and will explore how courts in different communities handled their referrals.

Juvenile Court Caseloads in Metropolitan and Nonmetropolitan Areas

Case Rates

Each metropolitan court in the sample processed an average of 6,534 cases in 1980 compared to 316 cases by the average court in a nonmetropolitan county. Metropolitan counties handled a larger number of cases since they, in general, had much larger juvenile populations. But was the size of the population the only reason for the higher caseloads? Or were there additional factors that contributed to the large number of cases in metropolitan courts? To control for the population differences, the number of cases handled by metropolitan and nonmetropolitan courts were converted to case rates. A court's case rate equals the number of cases handled by the court for every 1,000 individuals aged 10 through 17 living within the court's jurisdiction. As Table 4 shows, courts in metropolitan areas had a higher case rate than did nonmetropolitan courts. Metropolitan courts handled 61 cases in 1980 for every 1,000 juveniles living in their counties, while nonmetropolitan courts handled only 48 cases for every 1,000 juveniles living under their jurisdiction. A closer look at Table 4 shows the difference in total case rates was due to the higher rate of delinquency cases in the metropolitan courts. Overall, juveniles in metropolitan areas were referred for delinquent offenses at a rate one-third higher than juveniles in nonmetropolitan areas. Rate differences were greatest for cases involving violent offenses.

Metropolitan courts handled violent offense cases at more than twice the rate of nonmetropolitan courts. Within the violent offense group, the largest rate difference was in robbery cases. In contrast, status offense case rates were surprisingly similar; in fact, the case rates were slightly higher in the nonmetropolitan courts for most status offense categories.

Table 5 displays the percentage of cases referred in each offense category in which the juvenile had at least

Rate* of Juvenile Court Referrals within Each Offense Category in Metropolitan and Nonmetropolitan Areas

Table 4

Offense Charged	Type of Community	
	Metropolitan	Nonmetropolitan
Violent Crime	**4.5**	**2.0**
Murder	0.1	0.1
Forcible rape	0.2	0.1
Robbery	2.1	0.7
Aggravated assault	2.1	1.2
Serious Property Crime	**23.5**	**17.7**
Burglary	9.5	6.7
Larceny-theft	11.5	9.3
Motor vehicle theft	2.6	1.7
All Other Criminal Offenses	**23.0**	**18.3**
Status Offenses	**9.5**	**9.9**
Running away	2.9	3.0
Truancy	1.0	1.3
Curfew violation	0.7	0.3
Ungovernability	1.8	2.2
Liquor offenses	1.9	1.9
Other status offenses	1.2	1.2
All Offenses	**60.5**	**47.9**

*Rate is defined as the number of court cases disposed for every 1,000 youth between 10 and 17 years of age living within the jurisdiction of the juvenile courts. All courts in the data set had original jurisdiction over children below the age of 18.

one prior court referral. Overall, 48 percent of cases referred to metropolitan courts involved juveniles who had been to court previously, compared to only 40 percent in nonmetropolitan courts. In both metropolitan and nonmetropolitan counties juveniles charged with violent offenses were the most likely to have had a prior court referral. Nearly 60 percent of violent offense cases in metropolitan courts, and nearly 50 percent in non-metropolitan courts, involved youth that had been referred to court previously. Status offense referrals were the least likely to involve juveniles with a prior court history; and unlike delinquency referrals, the proportion of status offense cases involving youth

previously referred was nearly the same in metropolitan and nonmetropolitan counties.

Percent of Referrals in Each Offense Category Involving Youth with Prior Court Histories

Table 5

Offense Charged	Type of Community	
	Metropolitan	Nonmetropolitan
Violent Crime	**58.8%**	**48.7%**
Serious Property Crime	49.0	41.9
All Other Criminal Offenses	48.2	40.2
Status Offenses	37.9	35.7
All Offenses	**48.1%**	**40.2%**

These delinquency case rates and patterns of prior court referrals in delinquency cases suggest a probable answer to the question raised in the previous section. The higher case rate in metropolitan areas indicates that juveniles in metropolitan areas are both likely to be referred to court for delinquency and more likely to return. Per capita, metropolitan courts handled both more first time offenders and more repeat offenders than did the courts in nonmetropolitan areas.

Quite possibly, the differences in juvenile behavior may be even greater than demonstrated by court data. Many first time offenders in metropolitan areas are diverted into established diversion programs or referred by police to other social service agencies rather than to juvenile court. Social service agencies and diversion programs are less available in many nonmetropolitan areas, and in these communities the juvenile court is looked upon as the primary agent for handling troubled juveniles. In all probability, compared to nonmetropolitan youth, a metropolitan youth's first referral to court is less likely to be his first experience with the juvenile justice system. Therefore, if first time offenders were not diverted as frequently in metropolitan areas, metropolitan court case rates would be even higher.

In summary, metropolitan courts handled delinquency cases at a greater rate than nonmetropolitan courts.

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Also, compared to nonmetropolitan counties, a greater percentage of the referrals for delinquent offenses in metropolitan counties had a prior court record. In comparison, the rates of status offense cases in metropolitan and nonmetropolitan areas were nearly equal, and equal proportions of such cases involved youth with prior court records. Finally, although conclusive proof is beyond these data, it appears that the higher delinquency case rates in metropolitan areas resulted from the fact that (1) a larger proportion of the youth population in metropolitan communities came to the courts and (2) a larger percentage of metropolitan juveniles were repeat offenders.

Handling of Cases in Metropolitan and Nonmetropolitan Juvenile Courts

A method for studying the differences in the processing styles of metropolitan and nonmetropolitan courts is to profile the characteristics of a typical 1,000 cases handled by each type of court. For ease of discussion, the handling of delinquency cases is described in Table 6 and status offense cases in Table 7. (The reader is cautioned not to interpret the figures in these tables as indicating that metropolitan and nonmetropolitan courts handle equal numbers of cases, but as showing how each processed 1,000 of their cases in 1980.)

A. Delinquency Cases

As Table 6 shows, in both metropolitan and nonmetropolitan areas nearly 90 percent of delinquency cases were referred to courts by law enforcement agencies. But the types of cases referred to juvenile courts differed in metropolitan and nonmetropolitan areas. Consistent with the clearance data previously reported, metropolitan courts handle, per capita, more than twice as many violent delinquency cases. In the other two delinquency offense categories, this multiple is much smaller.

Once referred, a court can order a youth to be placed in either a secure facility (e.g., a detention center or a jail) or in a nonsecure setting (e.g., a foster home) any

Characteristics of 1,000 Delinquency Cases Processed by Metropolitan and Nonmetropolitan Juvenile Courts

Table 6

Case Characteristic	Type of Community	
	Metropolitan	Nonmetropolitan
Source of Referral		
Law enforcement	908	881
Parent/relative	4	7
School	5	7
Probation officer	9	9
Social agency	25	18
Other court	27	31
Other	22	47
	1,000	1,000
Offense Charged		
Violent Crime	88	52
Serious Property Crime	461	467
All Other Criminal Offenses	451	481
	1,000	1,000
Secure Detention		
Yes	240	206
No	760	794
	1,000	1,000
Manner of Handling		
Without petition	472	535
With petition	528	465
	1,000	1,000
Disposition		
Waived	10	10
Dismissed	507	479
Probation	295	322
Institution	74	58
Public/private agency	15	21
Other	99	110
	1,000	1,000

time between intake and final disposition. Other data not presented in Table 6 show that in both areas practically all juveniles detained who were charged with delinquent offenses were held in a secure facility. Metropolitan courts securely detained a somewhat larger percentage of their delinquency cases; 24 percent of all delinquency cases in metropolitan courts, and 20 percent in nonmetropolitan courts, were held in secure facilities between intake and disposition. Metropolitan and nonmetropolitan courts also differed in the types of secure facilities used to detain these juveniles. In metropolitan courts nearly all detainees charged with a delinquent offense were held in juvenile detention centers. In contrast, in nonmetropolitan areas less than 83 percent of these youths were housed in juvenile detention centers, while nearly 17 percent were held in adult jails or police lock-ups.

Many courts in nonmetropolitan areas have no access to juvenile detention facilities. In some rural areas, where the volume of court activity cannot support the establishment of local detention centers, many states have provided regional detention facilities which serve a large area containing many individual courts. However, the regional detention facility may be many miles from a child's community. Use of such a facility would require that local court staff transport youth long distances and would limit the youth's access to family members and community support systems. Since most detentions last a relatively short period of time, it is often more economical to detain youth in local lock-ups than to use a regional detention facility.

Cases referred to juvenile justice authorities are generally screened by an intake department. After studying the details of the case, the intake unit decides whether to process the case with a petition (formal processing) or without a petition (informal processing). Courts in metropolitan areas were more likely to petition delinquency cases than courts in nonmetropolitan areas. This was consistent across all categories of delinquency offenses. Since two predictors of whether a case

will be petitioned are the offense charged and the prior court history of the youth, the greater percentage of petitioned cases in metropolitan areas may result from the larger percentage of serious offenses and the larger proportion of repeat offenders in their referral population.

Finally, Table 6 displays the dispositions of a typical 1,000 delinquency cases from metropolitan courts and 1,000 delinquency cases from nonmetropolitan courts. In both areas about 50 percent of delinquency cases were dismissed and about 30 percent were placed on probation. Approximately 8 to 9 percent were institutionalized or placed with an agency for further handling, and about 1 percent were waived to adult court for criminal prosecution. The similarity of the disposition profiles indicates that the courts in both areas utilize a comparable mix of dispositional alternatives in their delinquency cases.

B. Status Offense Cases

Table 7 profiles a typical 1,000 status offense cases from courts in metropolitan areas and 1,000 status offense cases from courts in nonmetropolitan areas. Although law enforcement agencies were the primary source of referral for these cases in both areas, police referred a much smaller proportion of the courts' status offense cases than delinquency cases. Substantial proportions of status offense cases were referred by other sources. Metropolitan courts receive most of their referrals from "official" sources, both police and other official sources (e.g., probation officers and social agencies), while nonmetropolitan courts receive many more cases from the community (e.g., parents, relatives, and schools). This finding supports the earlier observation that cities are more likely to depend on formal or institutional mechanisms for monitoring and controlling juvenile behavior. It also points to a broader sharing of responsibility for the juveniles in the nonmetropolitan communities. Greater community involvement with the courts in nonmetropolitan areas affects the entire

character of the court and, correspondingly, the willingness of the community to utilize its services. There could well be fewer status offenders per 100,000 youth in nonmetropolitan counties but, due to the greater community involvement, a larger proportion are brought to the court's attention than in metropolitan areas.

Characteristics of 1,000 Status Offense Cases Processed by Metropolitan and Nonmetropolitan Juvenile Courts

Table 7

Case Characteristic	Type of Community	
	Metropolitan	Nonmetropolitan
Source of Referral		
Law enforcement	585	531
Parent/relative	98	145
School	39	113
Probation officer	50	8
Social agency	175	147
Other court	17	12
Other	36	44
	1,000	1,000
Secure Detention		
Yes	107	125
No	893	875
	1,000	1,000
Manner of Handling		
Without petition	702	673
With petition	298	327
	1,000	1,000
Disposition		
Waived	0	0
Dismissed	492	543
Probation	307	299
Institution	41	33
Public/private agency	36	33
Other	124	92
	1,000	1,000

The detention of juveniles charged with status offenses has been an issue for the juvenile courts since the passage of the Juvenile Justice and Delinquency Prevention Act of 1974. In both areas secure detention was used less often in status offense cases than delinquency cases. In fact, status offense cases were detained in secure facilities at about one-half the rate of delinquency cases. Major changes in the use of secure detention have occured since the passage of the Act. In 1975 more than 40 percent of juveniles charged with status offenses were detained in secure facilities; by 1980 this figure had dropped to less than 15 percent (Snyder, Finnegan, and Hutzler, 1982). **While non-secure facilities were seldom used to detain delinquents, they were the more common detention alternative for status offense cases in both metropolitan and nonmetropolitan courts,** but especially in metropolitan courts. Therefore, although nonmetropolitan courts were more likely than metropolitan courts to detain status offenders in secure facilities, metropolitan courts detained a larger percentage of their status offense cases overall.

Once again the major difference in the secure detention practices of metropolitan and nonmetropolitan courts lies not in the percentage of status offenders securely detained, but in the facilities used for secure detention. In nearly all status offense cases involving secure detention in metropolitan areas, the juveniles were held in juvenile detention centers; but nearly 30 percent of status offense cases detained in secure facilities in nonmetropolitan areas were held in jails and lock-ups. Many of these holdings were for brief periods of time. Nevertheless, many people believe that holding any juvenile, especially a youth charged with a status offense, in an adult facility should be prohibited. The fact that the use of adult facilities for the detention of status offenders occurred almost exclusively in non-metropolitan areas reflects the practical problems

confronting many nonmetropolitan courts whenever secure detention is required.

About 30 percent of status offense cases handled in metropolitan and nonmetropolitan areas were processed formally by the courts. Status offense cases were far less likely to be handled formally than delinquency cases. One reason for the lower percentage is that the juveniles charged with status offenses were the least likely to have a prior court history (see Table 5). Finally, the profiles of dispositions for status offense cases show there were virtually no differences in the handling of these cases in metropolitan and nonmetropolitan courts. In both areas about 50 percent of all status offense cases were dismissed with no further action, about 30 percent were placed on probation and approximately 7 to 8 percent were institutionalized or placed with an agency for further handling.

In summary, this analysis of case records housed in the National Juvenile Court Data Archive has shown a number of similarities and differences in metropolitan and nonmetropolitan courts:

—*Juveniles were referred to court for delinquency at a higher rate in metropolitan counties than in nonmetropolitan counties.*

—*The rates of status offense referrals were remarkably similar in metropolitan and nonmetropolitan courts.*

—*While nearly 90 percent of all delinquency cases were referred by law enforcement agencies, less than 60 percent of status offense cases were referred by law enforcement agencies. In metropolitan counties status offense referrals were more likely to come from official sources (police, probation officer, social agency, or other court), while in nonmetropolitan areas many status offense referrals came from parents, relatives, and schools.*

—**Delinquency cases in metropolitan courts were more likely to involve juveniles with prior court records.**

—*The percentage of cases detained in secure facilities*

by metropolitan and nonmetropolitan courts was about the same, and delinquency cases were securely detained at about twice the rate of status offense cases in both areas.

—*Nearly all detainees who were charged with delinquent offenses in metropolitan areas were held in juvenile detention facilities; but in nonmetropolitan areas, where access to detention centers is more limited, a large percentage of these cases were detained in adult jails or police lock-ups.*

—*Secure detention was used less often in status offense cases. In both areas, but particularly in metropolitan counties, juveniles charged with status offenses were more likely to be held in nonsecure settings, such as foster homes or child shelters.*

—*Finally, the dispositions utilized by metropolitan and nonmetropolitan courts were very similar both for delinquency and for status offense cases.*

Conclusion

Our goal has been to present a clear picture of community differences in the nature of juvenile crime and in the procedures of the juvenile courts. However, several of the findings that have emerged from this comparison have significance for juvenile delinquency policy and warrant further comment. The finding that urban areas experienced more serious juvenile crime per capita and handled a larger number of youths in their juvenile court systems than rural areas has obvious implications for policy-makers. Law enforcement and juvenile court funds are often dispersed by state governments and federal agencies on the basis of population, but population is not the best measure of relative need. An urban area having 10 times the juvenile population of a rural area may have 30 times the number of serious crimes committed by juveniles.

Urban areas not only had more juvenile crime per capita than other areas, but the crimes reported were more serious and

the juveniles charged were more likely to be repeat offenders. The higher rate of serious crime in metropolitan areas supports the argument that more resources should be expended in cities both for community prevention programs and for programs to control and treat these serious delinquents. The establishment of a robbery prevention program in an urban area would be expected to return maximum benefits since suppression efforts could impact the higher crime rates.

The proponents of "selective incapacitation," a concept which has been receiving a lot of attention and support lately, advance the position that the criminal justice system should focus maximum resources on those individuals who are likely to produce the most harm. Translated into the structure of the juvenile justice system, this concept suggests that our limited resources be directed toward the repeat or chronic offenders, since among juveniles they are the ones committing the majority of serious crimes. If this policy were generally adopted, metropolitan areas would receive an additional share of available resources because of the greater proportion of repeat offenders in their delinquent population.

Therefore, it is clear that funding based solely on population overlooks some of the unique needs of urban areas, and funding policies which do not incorporate observed community differences are unfairly penalizing some juvenile justice systems.

Speculations that metropolitan and nonmetropolitan juvenile courts may handle cases very differently are not supported by these analyses. If such differences do exist, more detailed analyses will be necessary to uncover them, possibly analyses focusing on specific regions or communities. These data indicate, at least, that the differences are not pervasive.

There has been a major decline in the use of secure detention in status offense cases in both urban and rural areas since the passage of the Juvenile Justice and Delinquency Prevention Act of 1974. However, the Act

also required the removal of all juveniles from adult jails. Some rural areas are still using police lock-ups to detain juveniles, but not necessarily because they disagree with the principle. In many rural areas the local jail is the only pragmatic option when a youth requires secure detention. Therefore, the decision made by Congress to grant exceptions to certain federal funding requirements (e.g., removal of children from adult jails) in some sparsely populated rural areas seems warranted. In a rural area where the tax base and the juvenile crime rate are both low, it is difficult to justify the range of programs and services found in urban areas. It is only reasonable that state and federal policy-makers incorporate such practical considerations related to community differences when developing policy guidelines.

Finally, the 1980 Census indicates that traditional differences between urban and rural areas may be decreasing. The emigration of people from rural to city areas has reversed, and migration back to the country cuts across all social classes. Improved transportation systems and the general availability of the mass media have substantially increased the opportunities for transfer of social values and norms from the city to country. **With migration from urban areas, easy access to transportation, and the media's ability to disseminate values and norms across community boundaries, rural officials should be planning now for predictable changes in the nature and quantity of juvenile crime in their community and the increasing needs of the local juvenile justice system.** If trends continue as they are, the rural crime problem will grow. Juvenile court staffs in many rural areas are part-time, often isolated from their colleagues and from professional development programs, and they work in a system that lacks the full range of services and court facilities. The rural justice system should take advantage of the time it has to prepare for the changes

that appear to be coming, and not wait until the problem has outgrown its capability to respond.

Technical Notes

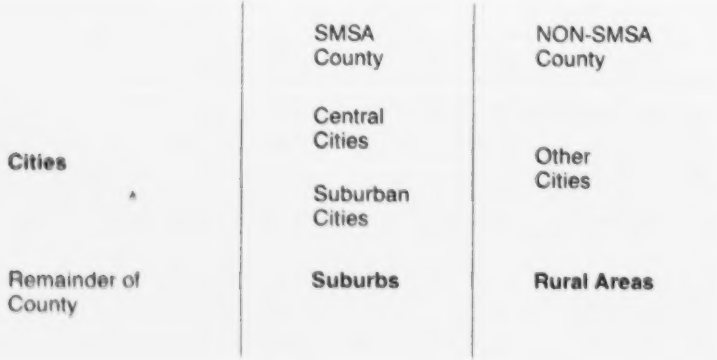
A Description of Data and Community Groupings

FBI Uniform Crime Reports

Each year the FBI estimates the number of crimes reported to police departments across the country and the number of these crimes cleared by arrest. The authors of the FBI reports emphasize that law enforcement agencies cannot know the total volume of crime committed because many criminal actions are not reported to police. But the overall percentage of crimes cleared by arrest of juveniles is a much better indicator of the juvenile contribution to the local crime problem than are arrest statistics.

The geographics presentation of Uniform Crime Reporting data relies on the concept of Standardized Metropolitan Statistical Area (SMSA). An SMSA is an integrated economic and social unit with a recognized large population nucleus. An SMSA always includes a central city of specified population (generally over 50,000) and the remainder of the county in which it is located. In addition, an SMSA also includes contiguous counties and their smaller cities (with populations generally less than 50,000) when the economic and social relationships between the central and contiguous counties meet specified criteria of metropolitan character and integration. Therefore, an SMSA includes (1) the Central City or Cities, (2) the Suburban Cities and (3) the remainder of the area within the SMSA counties but outside the cities labeled Suburbs.

Areas outside of SMSAs are comprised of Other Cities and Rural Areas. Other Cities are incorporated areas outside of SMSAs. The Rural Areas are the areas outside of SMSAs excluding areas covered by city police agencies. The following diagram illustrates the aforemetioned discussion of community types:



The 1980 FBI Uniform Crime Report data were reported in three community-type groupings: Cities, Suburbs, and Rural Areas. The community-type labeled Cities cuts across SMSA boundaries to include Central and Suburban Cities within SMSA's and Other Cities outside of SMSAs. The Suburbs are the remainder of the SMSA not included within the community-type Cities. Rural Areas are the remainder of the non-SMSA area not included within the category of Cities. In 1980, 68 percent of the total population in the nation resided in Cities, 18 percent resided in Suburbs and 14 percent resided in Rural Areas.

The National Juvenile Court Data Archive

Many juvenile court systems maintain descriptions of each case they have handled in an automated reporting or management information system. These systems permit court staff to identify immediately the court history of juveniles referred to court, to track each case through the judicial process, and to study the court's procedures and policy implementations. Beginning in 1978, the National Center for Juvenile Justice obtained support from the Office of Juvenile Justice and Delinquency Prevention to collect and archive the computerized records developed by these information systems and through analysis of these data to develop a national picture of juvenile court processing and case flow.

Each year data contributed to the National Juvenile Court Data Archive are merged to create a national data set containing detailed descriptions of cases handled by the nation's juvenile courts. From this data set, data from eight states (Alabama, California, Florida, Iowa, Kansas, Nebraska, Pennsylvania, and West Virginia) were selected for our study. These states were selected because they provided offense information compatible with the FBI *Uniform Crime Report* offense categories. For a further discussion of the data collection and standardization process of National Juvenile Court Data Archive, the reader should consult *Delinquency 1980: A Description of Delinquency and Status Offense Cases Processed by Courts With Juvenile Jurisdiction.*

Although there are a few exceptions, most juvenile court jurisdictions coincide with county boundaries. Consequently, when attempting to classify the geographic location of a court case, the location was limited to the county in which the case was handled. Therefore, it is impossible to classify juvenile court cases into the same set of geographical community types that are used by the *Uniform Crime Reports*. A county-level geographic classification scheme was developed to analyze the juvenile court data. Counties were classified as "Metropolitan" or "Nonmetropolitan" using a set of criteria validated by a subjective appraisal of the resulting county groupings. To be classified as a Metropolitan county, a county had to have (1) a population of more than 300,000 and (2) at least 80 percent of its population living within an urbanized area. An urbanized area has a population concentration of at least 50,000 inhabitants, generally consisting of a central city and the surrounding, closely settled, contiguous territories (suburbs). Urbanized areas generally have a population density of at least 1,000 persons per square mile, a density level which corresponds approximately to the continuously built-up areas around a city.

Using these two selection criteria, 114 of the 3,137 counties in the

country were classified as Metropolitan counties. Metropolitan counties nationally in 1980 contained 44 percent of the total resident population of the United States. Data from the eight states were analyzed to study the relationship between the type of community and the activities of their juvenile courts. This data set contains information on 339,925 cases from 583 counties. Of the 583 counties in the sample, twenty-five met the criteria of a Metropolitan County; the remaining 558 counties were classified as Nonmetropolitan. The 25 metropolitan counties contained 48 percent of the juvenile court case records in the data set and 42 percent of the total child population in the sample.

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